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# STATUTES

OF THE

# PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

SIXTY-THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

Being the Third Session of the Ninth Legislature  
of Ontario.

BEGUN AND HOLDEN AT TORONTO ON THE FOURTEENTH DAY OF FEBRUARY IN THE YEAR  
OF OUR LORD ONE THOUSAND NINE HUNDRED.

1900



HIS HONOUR

THE HONOURABLE SIR OLIVER MOWAT,

LIEUTENANT-GOVERNOR

TORONTO:

PRINTED AND PUBLISHED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

1900.

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*TORONTO.*



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## 63 VICTORIA.

### CHAPTER 1

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand nine hundred and for other purposes therein mentioned.

*Assented to 30th April, 1900.*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Preamble.  
Honourable Sir Oliver Mowat, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand nine hundred; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million nine hundred and twenty-five thousand six hundred and fifty-one dollars and eight cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred as set forth in Schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred and one as set forth in Schedule B to this Act. \$3,925,651.08 granted out of the Consolidated Revenue Fund for certain purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act shall be laid before the Legislative Assembly at its next sitting. Accounts to be laid before the Legislative Assembly.

3. Any part of the money under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine Unexpended moneys.

nine hundred, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure  
to be account  
ed for to Her  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

### SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand nine hundred and the purposes for which they are granted.

#### CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto*

Lieutenant-Governor's Office .....	\$ 3,805 00	
Attorney-General's Department .....	17,900 00	
Education Department .....	19,950 00	
Crown Lands Department .....	63,750 00	
Public Works do .....	26,650 00	
Treasury do .....	31,375 00	
Provincial Secretary's Department .....	19,100 00	
Inspection Public Institutions .....	15,825 00	
Audit, License and Justice Accounts .....	9,550 00	
Registrar-General's Branch .....	12,125 00	
Provincial Board of Health .....	7,900 00	
Department of Agriculture .....	18,710 00	
Insurance Branch .....	8,400 00	
Neglected Children's Branch .....	5,000 00	
Miscellaneous .....	9,550 00	
		<hr/>
		\$269,590 00

#### LEGISLATION.

To defray expenses of Legislation ..... \$133,600 00

#### ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice ..... \$452,399 97

EDUCATION.



## EDUCATION.

To defray expenses of:—

Public and Separate School Education .....	\$472,378 05	
High Schools and Collegiate Institutes .....	114,675 00	
Library and Museum .....	7,850 00	
School of Practical Science .....	25,370 00	
Public Libraries, Art Schools, Literary and Scientific .....	57,500 00	
Miscellaneous .....	18,530 00	
Superannuated Public and High School Teachers .....	61,300 00	
	<hr/>	\$757,603 05

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto. ....	\$101,131 00	
Asylum for the Insane, London .....	132,270 00	
Asylum for the Insane, Kingston .....	74,174 00	
Asylum for the Insane, Hamilton .....	120,612 00	
Asylum for the Insane, Mimico .....	76,194 00	
Asylum for Insane, Brockville .....	71,793 00	
Asylum for Idiots, Orillia .....	62,817 00	
Central Prison, Toronto .....	62,100 00	
Ontario Reformatory for Boys, Penetan- guishene .....	27,810 00	
Institution for the Deaf and Dumb, Belleville.	45,246 00	
Blind Institute, Brantford.....	32,242 00	
Andrew Mercer Reformatory for Women and Refuge for Girls, Toronto .....	24,275 00	
	<hr/>	\$830,664 00

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration ....	\$7,125 00
--	------------

## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture ....	\$212,025 00
--	--------------

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities .....	\$185,207 85
--	--------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House.....	\$ 9,096 31
Parliament and Departmental Buildings.....	41,356 35
Education Department (Normal School Build- ing) .....	7,200 00
Miscellaneous .....	3,640 00

MAINTENANCE

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.—*Continued.*

Normal School, Ottawa .....	4,400 00	
Normal School, London .....	2,900 00	
School of Practical Science .....	3,525 00	
Agricultural College .....	6,700 00	
Osgoode Hall .....	8,840 00	
		<hr/>
		\$87,657 66

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto .....	\$ 5,373 00	
do Mimico .....	5,290 00	
Asylum for the Insane, London .....	17,764 00	
Asylum for the Insane, Hamilton .....	8,512 74	
Asylum for the Insane, Kingston .....	5,050 65	
Asylum for the Insane, Brockville .....	11,715 00	
Asylum for Idiots, Orillia .....	7,055 00	
Central Prison, Toronto .....	6,915 00	
Reformatory for Boys, Penetanguishene .....	1,945 00	
Reformatory for Females, Toronto .....	3,744 00	
Blind Institute, Brantford .....	4,225 00	
Deaf and Dumb Institution, Belleville .....	4,850 00	
Cobourg Asylum for Senile Patients .....	20,000 00	
Agricultural College and Experimental Farm, Guelph .....	4,720 00	
Normal and Model Schools, Toronto .....	1,950 00	
Normal and Model Schools, Ottawa .....	4,715 00	
Normal School, London .....	33,152 00	
School of Practical Science, Toronto .....	5,700 00	
Osgoode Hall, Toronto .....	1,300 00	
New Parliament Buildings .....	3,965 00	
District of Algoma .....	2,350 00	
Thunder Bay District .....	400 00	
Muskoka District .....	5,570 00	
Parry Sound District .....	3,450 00	
Nipissing District .....	1,000 00	
Rainy River District .....	600 00	
Reformatory for Boys, Oxford .....	30,000 00	
Mining School, Kingston .....	5,700 00	
		<hr/>
		\$207,011 39

PUBLIC WORKS.

To defray expenses of Public Works .....	\$59,732 71
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COLONIZATION ROADS AND MINING ROADS.

To defray expenses of Construction and Repairs .....	\$144,300 00
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CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands .....	\$144,375 00
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REFUNDS.



## REFUNDS.

Education .....	\$ 1,000 00	
Crown Lands .....	38,072 68	
Asylum Lands .....	61,297 62	
Municipalities Fund .....	729 96	
Land Improvement Fund .....	2,156 42	
	<hr/>	\$103,256 68

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure .....	\$201,102 77
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## UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses .....	50,000 00
Total estimates for expenditure of 1900 .....	<hr/> \$3,845,651 08

## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand nine hundred and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1901.....	\$80,000 00
Total.....	<hr/> \$3,925,651 08

## CHAPTER 2

## An Act to amend The Voters' Lists Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

62 V. (2), c. 3,  
s. 1, amended.

1. Section 6a of *The Ontario Voters' Lists Act*, as enacted by section 1 of the Act passed at the second Session held in the 62nd year of Her Majesty's reign, chapter 3, is amended by inserting after the word "city" in the first line of subsection 1 of the said section the words "or town," and by inserting after the word "city" in the seventh line of the said subsection the words "or town," and by inserting after the word "list," at the end of the tenth line of said subsection, the words "in the case of a city and one hundred copies in the case of a town."

Voters' lists in  
cities and  
towns where  
roll not re-  
turnable  
before 30th  
September.

62 V. (2) c. 3,  
s. 1, amended.

2. The said section is further amended by inserting after the word "city," in the first line of subsection 2, the words "or town."

62 V. (2) c. 3,  
s. 1, amended.

3. The said section is further amended by inserting after the word "city," in the first line of subsection 6 thereof, the words "or town."

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## CHAPTER 3

An Act for preserving to Canadian Officers, non-commissioned Officers and Men, now serving Her Majesty in South Africa their rights of franchise in Ontario.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Notwithstanding anything contained in *The Ontario Election Act*, *The Ontario Voters' Lists Act* or *The Manhood Suffrage Registration Act* no person otherwise qualified to be entered or registered on the voters' lists prepared under *The Ontario Voters' Lists Act* or on the list of manhood suffrage voters or to vote shall be disentitled to be entered or registered on any such list or to vote at any municipal or provincial election by reason only of the absence of such person from the Province of Ontario while serving Her Majesty in any or either of the Royal Canadian regiments or corps of infantry or artillery, or cavalry, including the corps known as the "Strathcona Horse," or in any military capacity, in the present South African war, whether as an officer, non-commissioned officer or private or in any other capacity, or while acting as a war correspondent in South Africa.

Absence with military contingents to South Africa not to disfranchise voters.

2. When any such person as aforesaid is required to take any of the oaths referred to in the schedule to this Act the clauses set out in the said schedule may be used in substitution for or variation of the clauses mentioned therein respectively :

Amendment of oaths.

## SCHEDULE.

## PART 1.

For clauses 4 and 5 of the oath set out in form 9 in the schedule to *The Manhood Suffrage Registration Act* or for clauses 4 and 5 in the oath set out in form 10 of the said Act substitute the following:

"(4). That you have resided within this Province for the twelve months next preceding the day of (the date of the first sitting held for the registration of voters) except that you were a member of the Royal Canadian Regiment (or corps) of infantry (or artillery, or cavalry, or the "Strathcona Horse," as the case may be) and served Her Majesty as an (officer, non-commissioned officer or private, or otherwise, as the case may be) in south

"South Africa (or acted as war correspondent in South Africa) and  
 "were in consequence absent from the Province of Ontario from  
 "the day of to the day  
 "of 19 ."

"(5). That save for your absence as aforesaid you are now and were for  
 "three months next preceding the said day of (the date  
 "of the first sitting held for the registration of voters) a resident of and had  
 "your home in this municipality."

## PART 2.

Add the following to clause 3 in the oath set out in form 16 of *The Ontario Election Act*: "Save and except that you were a member of the Royal Canadian Regiment (or corps) of infantry (or artillery, or cavalry, or the 'Strathcona Horse,' or otherwise, as the case may be) and served Her Majesty as an officer, (non-commissioned officer or private, or otherwise, as the case may be) in South Africa, (or acted as a war correspondent in South Africa) and were in consequence absent from the Province of Ontario from the day of to the day of 19 ."

## PART 3.

After the word "date" in the 3rd line of the 4th clause in the oath set out in the said form 16 to *The Ontario Election Act* insert the words "except for your absence as aforesaid."

## PART 4.

For clause 3 of the oath set out in form 17 in the schedule to *The Ontario Election Act* substitute the clause set out in the first part of the schedule hereto numbered 4.

After the word "day" in the 3rd line of the 4th clause in the oath set out in form 17 in the schedule to *The Ontario Election Act* insert the following: "save for your absence as aforesaid."

## PART 5.

Add to clause 3 of the oath set out in form 18 to *The Ontario Election Act*: "except that you were a member of the Royal Canadian Regiment (or corps) of infantry (or artillery, or cavalry, or the 'Strathcona Horse,' or otherwise, as the case may be) and served Her Majesty as an officer, (non-commissioned officer or private, or otherwise, as the case may be) in South Africa (or acted as a war correspondent in South Africa) and were in consequence absent from the Province of Ontario from the day of to the day of 19 ."

After the word "date" in the 3rd line of clause 4 in the schedule set out in form 18 to *The Ontario Election Act* insert the words "save for your absence as aforesaid."



## CHAPTER 4

## An Act to amend The Ontario Election Act.

*Assented to 30th April, 1900*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Ontario Election Act* is amended by adding thereto the following section :

Rev. Stat.  
c. 9, amended.

22a. Where any person other than the sheriff or registrar is appointed returning-officer such person shall be a voter in the electoral district for which he is so appointed.

Returning  
officer to be  
a voter.

2. Section 31 of the said Act is amended by adding thereto the following subsections :—

Rev. Stat.  
c. 9, s. 31,  
amended.

(3) It shall further be the duty of the Clerk of the Crown in Chancery to procure from the Queen's Printer the ballot papers and forms, other than the proclamation of the nomination prescribed in this Act, in sufficient number for the requirements of the election; and such stationery as may be necessary for the purposes of the election; and to forward the same forthwith after the issue of the writ to the returning-officer.

Ballots, etc.,  
to be supplied  
by Clerk of  
the Crown in  
Chancery.

(4) The number of ballot papers to be procured shall not in any case be less than the total number of voters on the voters list for each electoral district.

3. Subsection 1 of section 59 of the said Act is amended by adding thereto the following words " the returning-officer shall also as far as practicable publicly proclaim from the hustings the names of the persons whom he has appointed as deputy returning-officers."

Rev. Stat. c. 9,  
s. 59, subs. 1,  
amended.  
Deputy  
returning  
officers to be  
named.

4. Section 64 of the said Act is amended by adding thereto the following subsection :

Rev. Stat.  
c. 9, s. 64,  
amended.

(2) No person shall be appointed a deputy returning-officer who is not a voter in the local municipality wherein the polling sub-division to which he is appointed is situated or in the case of unorganized territory who is not a voter in the electoral division.

Deputy  
returning  
officer to be a  
voter in local  
municipality.

5. Subsection 1 of section 69 of the said Act is amended by striking out the words "forthwith cause to be printed"

Rev. Stat.  
c. 9, s. 69,  
amended.  
in

in the second line and substituting therefor the words "be supplied by the Clerk of the Crown in Chancery with."

Rev. Stat.  
c. 9, s. 70,  
amended.  
Number of  
tendered  
ballots.

**6.** Section 70 of the said Act is amended by adding thereto the following: "The number of tendered ballot papers shall not be less than ten per centum of the number of the ordinary ballot papers."

Rev. Stat.  
s. 9, s. 71,  
amended.

**7.** Section 71 of the said Act is amended by inserting after the word "shall" in the first line thereof the words "not less than one day."

Rev. Stat.  
c. 9, s. 74,  
amended.

**8.** Section 74 of the said Act is amended by inserting after the word "shall" in the first line thereof the words "not less than one day."

Rev. Stat.  
c. 9, s. 87,  
amended.  
Poll clerk to  
be a voter in  
local muni-  
cipality.

**9.** Section 87 of the said Act is amended by adding thereto the following subsection:

(2) No person shall be appointed a poll clerk who is not a voter in the local municipality wherein the polling subdivision to which he is appointed is situated or in the case of unorganized territory who is not a voter in the electoral division.

Rev. Stat.  
c. 9, s. 94,  
subs. 1,  
amended.

**10.** Subsection 1 of section 94 of the said Act is amended by adding thereto the following:

"No returning-officer shall give any such certificate until he has ascertained by reference to the voters' list that the applicant is entitled to vote and he shall forthwith upon giving any such certificate give notice thereof in writing to the deputy returning-officer for the polling subdivision in which the applicant is by the voters list entitled to vote, and such person shall not thereafter be entitled to vote in the said polling subdivision at the said election."

Officers and  
agents voting  
where  
stationed.

Rev. Stat.  
c. 9, s. 96,  
amended.

**11.**—(1) Section 96 of the said Act is amended by inserting after the word "empty" in the fourth line thereof the words "and shall count the ballot papers in the presence of the candidates or their agents who may examine but not handle the same."

(2) The said section is further amended by inserting after the word "box" in the sixth line the words "on a desk, counter or table or otherwise raised above the floor."

Rev. Stat.  
c. 9, amended.

**12.** The said Act is amended by adding thereto the following section:—

Ballots to be  
counted  
before poll  
opens.

96a. Deputy returning-officers and poll clerks shall be in attendance at their polling places fifteen minutes before the time appointed for the opening of the poll, and shall then count the ballots in the presence of the agents of the candidates or such of them as may be present.

Rev. Stat.  
c. 9, s. 112,  
sub-s. 1,  
amended.

**13.** Subsection 1 of section 112 of the said Act is amended by inserting after the word "upwards" in the nineteenth line the



the words "and so that those present can without handling the ballots see clearly for whom they are marked."

**14.** Section 116 of the said Act is amended by adding thereto the following subsection:—

Rev. Stat.  
c. 9, s. 116,  
amended.

(3) The candidates or agents present may if they so desire write their names respectively across the flap of each of the said envelopes or packages, after the same have been sealed."

**15.** Section 117 of the said Act is repealed and the following substituted therefor:—

Rev. Stat.  
c. 9, s. 117,  
repealed.

**117.—(1)** The deputy returning-officer shall enclose in the ballot box the packets mentioned in the preceding section, and shall immediately lock and seal the said box, and thereafter shall forthwith deliver it personally to the returning-officer, and if he be unable to do so owing to illness or other imperative cause, he shall deliver such ballot box to the poll clerk, or where the poll clerk is unable to act, to some person chosen for the purpose of delivering the same to the returning-officer, and shall on the outside thereof or on a ticket attached thereto write the name of the person to whom the said box has been delivered, and shall take a proper receipt therefor, and the person so chosen shall forthwith deliver such ballot box personally to the returning-officer and shall after such delivery make oath before the returning-officer to the effect of form 29 to schedule A hereto.

Packets to be  
placed in  
ballot box and  
delivered to  
returning  
officer.

(2) The returning-officer upon the receipt by him of any ballot box shall take every precaution for its safe keeping and for preventing any other person then himself and the election clerk from having access thereto, and shall immediately on the receipt of each box seal the same with his own seal in such a way that the box cannot be opened without the seal being broken, and he shall do this without effacing or covering the seal of the deputy-returning officer thereon.

**16.** Section 122 of the said Act is amended by striking out the word "one week" in the first line thereof, and substituting therefor the word "two weeks."

Rev. Stat. c. 9  
s. 122,  
amended.

**17.** Subsection 1 of section 123 of the said Act is hereby repealed and the following substituted therefor:—

Rev. Stat.  
c. 9, s. 123  
subs. 1  
repealed.

(1) The returning officer after he has received the ballot boxes shall at the place and time named at the hustings for this purpose when granting a poll open the ballot boxes and the packets containing the several poll books, but shall not open any of the other sealed packets, and from the statement of the poll contained in form 11 of the said several poll books shall cast up the number for each candidate and as soon as he has thus ascertained the result of the poll shall forthwith declare

Counting of  
votes by re-  
turning officer.

clare to be elected the candidate having the highest number of votes.

Rev. Stat.  
c. 9, s. 124,  
amended.

**18.** Subsection 1 of section 124 of the said Act as amended by section 2 of chapter 5 of the Acts passed at the Second Session held in the 62nd year of Her Majesty's reign is further amended by striking out the word "tifty" where the same occurs in the said subsection and in the said amendment and inserting in lieu thereof the words "two hundred."

Rev. Stat.  
c. 9, s. 134,  
amended.

**19.** Section 134 of the said Act is amended by striking out the word "fifty" occurring in paragraphs a and b thereof, and substituting therefor the words "two hundred" and by adding thereto the following subsection :—

(2) The returning officer shall with his return transmit to the Clerk of the Crown in Chancery a statement in accordance with form 31 annexed to this Act and shall add up and give the totals of the figures in each column of such form.

Rev. Stat.  
c. 9, s. 137,  
amended.

**20.** Section 137 of the said Act is amended by adding thereto the following subsections :—

Preservation  
of documents.

(2) The Clerk of the Crown in Chancery shall keep all documents relating to a general election in a room or vault separate from those in which documents relating to bye-elections are placed. He shall also provide the returning officers with labels to be affixed to the outside of the box or other covering in which papers are transmitted shewing distinctly the electoral district to which the papers relate and the date of the election.

(3) In case an order or rule is made directing that documents relating to an election are not to be destroyed under this section the said Clerk shall cause to be affixed to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "not to be destroyed."

Rev. Stat.  
c. 9, s. 159,  
subs. 2,  
amended.

**21.** Subsection 2 of section 159 of the said Act is amended by striking out the words "shall incur a penalty of \$200" in the first line thereof, and substituting therefor the words "shall on conviction incur a penalty of \$200 and shall also be imprisoned for a term of six months with or without hard labour."

Rev. Stat.  
c. 9, s. 160,  
subs. 2,  
amended.

**22** Subsection 2 of section 160 of the said Act is amended by striking out the words "shall incur a penalty of \$200," and substituting therefor the words "shall in the discretion of the trial judges be liable to imprisonment for a term not exceeding six months with or without hard labour, or to a penalty of not more than \$200, or to both."

Rev. Stat.  
c. 9, s. 166,  
amended.

**23.** Section 166 of the said Act is amended by adding thereto the words "and shall on conviction be imprisoned for a term of one year with or without hard labour."

**24.** Subsection 2 of section 167 of the said Act is amended by striking out all the words after the words "a penalty of" in the seventh line, and substituting therefor the words and figures "\$400, and shall also on conviction be imprisoned for a term of one year with or without hard labour." Rev. Stat. c. 9, s. 167, subs. 2, amended.

**25.** Section 182 of the said Act is amended by striking out the words "incur a like penalty of \$200" in the second line, and substituting therefor the words "be imprisoned for a term of six months with or without hard labour, and shall be liable also to a penalty of not more than \$200." Rev. Stat. c. 9, s. 182, amended.

**26.—(1)** The said Act is amended by inserting therein immediately after section 188, the following section:— Rev. Stat. c. 9, amended.

188 *a.* Where practicable the judge or judges trying an election petition shall, during such trial, or immediately thereafter, proceed with the trial of persons who appear to have committed or who are charged with having committed corrupt practices or illegal acts in connection with the said election. Trial of persons charged with corrupt practices.

(2) Subsection 9 of section 188 of the said Act is amended by adding thereto the following words:—"In case any other solicitor or counsel is directed to institute or carry on proceedings as herein provided he shall be entitled to the same fees to be paid in the same manner as if he were a county attorney, and witnesses shall be entitled to receive compensation for their costs and charges in attending at the proceedings payable on the scale and in the manner provided by the Revised Statute respecting payment of witnesses for the Crown." Rev. Stat. c. 9, s. 188, subs. 9, amended

**27.** Section 189 of the said Act is repealed and the following substituted therefor:— Rev. Stat. c. 9, s. 189, repealed.

189—(1) A person who is called as a witness respecting an election before an election court shall not be excused from answering any question relating to any offence at or connected with such election, on the ground that the answer thereto may criminate or tend to criminate himself, or on the ground of privilege. Persons not excused from answering on ground of privilege.

Provided that

(a) a witness who answers truly all questions which he is required by the election court to answer shall be entitled to receive a certificate of indemnity (Form A.) under the hand of a member of the court, stating that such witness has so answered; and Certificate of indemnity.

(b) an answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of such evidence, be in any proceeding admissible in evidence against him. Imp. Act, 46 & 47 V. c. 51, s. 59.



(2) Where a person has received such a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any offence under this Act committed by him previously to the date of the certificate at or in relation to the said election, the court having cognizance of the case shall on proof of the certificate stay the proceedings and may in their discretion award to the said person such costs as he may have been put to in the proceeding.

Proviso.

Provided nevertheless that a witness who upon his own evidence is found by the Election Court to have been guilty of a corrupt practice, and who is reported therefor, shall be thereby subject to the incapacities mentioned in section 177 (1) of *The Ontario Election Act*, and shall be thereby disqualified accordingly unless such finding and report are reversed or set aside by the Court of Appeal on the appeal provided for by the Ontario Controverted Elections Act and amendments thereof.

Application of section.

(3) This section shall apply to all trials hereafter under *The Ontario Controverted Elections Act* as well as under *The Ontario Election Act*, and section 53 of the said *Controverted Elections Act* is hereby repealed.

Rev. Stat. c. 11, s. 11, repealed.

(4) In this section "election court" shall include any judge or judges by whom a petition is tried, under *The Ontario Controverted Elections Act* or any judge or judges by or before whom any person is tried charged with committing corrupt or illegal practices or other offences connected with or relating to an election.

Rev. Stat. c. 9, s. 190, amended.

28. Section 190 of the said Act is amended by adding thereto the following words, "and shall be imprisoned for a term of twelve months, with or without hard labour."

Rev. Stat. c. 9, s. 191, sub-s. 3, amended.

29. Subsection 3 of section 191 of the said Act is amended by striking out the words "any term not exceeding two" in the second and third lines, and substituting therefor the word "three," and by striking out the words "any term not exceeding six months" in the fifth line and substituting therefor the words "one year."

Rev. Stat. c. 9, s. 192, amended.

30.—(1) Subsection 1 of section 192 of the said Act is amended by adding thereto the words "and shall be imprisoned for a term of twelve months with or without hard labour."

(2) Subsection 2 of the said section 192 is amended by adding thereto the words "and shall be imprisoned for a term of twelve months with or without hard labour."

62 V. c. 5, ss. 9, 10, repealed.

31. Sections 9 and 10 of the Act to amend *The Ontario Election Act* passed at the second session held in the sixty-second year of Her Majesty's reign, are hereby repealed.

**32.** Subsection 2 of section 188 of the said Act is amended by inserting after the word "by" in the second line of the said subsection the words "the judges who tried the petition or by."

Rev. Stat.  
c. 9, s. 188,  
subs. 2,  
amended.

**33.** Where in section 188 of the said Act the words "judge or judges" or "judge or judges is or are" occur, the word "judges" or the words "judges are" shall be substituted for the said words respectively, as the case may be.

Meaning of  
"judge or  
judges."

**34.** Subsection 1 of section 61 of the said Act is amended by adding to the polling places named in the said section for unorganized territory "White River Village."

Rev. Stat.  
c. 9, s. 61,  
amended.

Subsection 2 of the said section is amended by striking out "Desert Lake School House" in the polling places named for municipalities, and substituting therefor "Gordon Lake School House."

Polling places  
in Algoma  
East and  
Algoma West

The said subsection is further amended by striking out "Rosseau's Settlement, north shore of Lake Superior," named in the polling places for unorganized territory, and substituting therefor "Batchewana," and by striking out "Fraser's School House, Township of Coffin," and substituting therefor "Fraser's School House, Township of Aberdeen."

The said subsection is further amended by striking out "Hugh Phillip's Settlement, Township of Coffin, additional," named in the polling places for unorganized territory, and adding to the list of polling places named for organized territory "Hugh Phillip's Settlement, Township of Aberdeen."

The said subsection is further amended by adding thereto the following polling places for unorganized territory :

Township of Aberdeen, Neil Morrison's Settlement.

Township of Bright and Bright Additional, Dayton.

Township of Patton, Dugald McLaughlin Settlement.

Michipicoten River, Mission Village.

Wa Wa.

John Island.

Gavel Beach.

The said section is further amended by striking out White River Village named in the list of polling places for unorganized territory.

**35.** This Act, except sections 26 and 27, shall not apply to any election heretofore held or to any act heretofore done.

Act not to be  
retroactive  
except as to  
secs. 26 & 27.

## FORM A.

(Section 27.)

## CERTIFICATE OF INDEMNITY TO WITNESS.

Court for the trial of an election petition for the Electoral District of  
 holden at the the  
 day of , 19 .

Between , Petitioner,

and , Respondent

Whereas R. S. appeared and was called and examined as a witness before us on the trial of the said petition.

Now we do hereby certify that the said R S., as such witness as aforesaid, was upon his said examination required to answer questions relating to the election to which the said petition referred, the answers to which questions criminated or tended to criminate him, and that the said R. S. answered truly all such questions.

As witness our hands this day of , 19 .

(Signatures)

Judges of the said Court.



FORM 31.

(Section 19.)

Statement by Returning Officer respecting Votes Polled and Ballots Used at the several Polling Sub-divisions of the Electoral District of the Riding of the County of at an Election held on the day of , 19 .

Electoral district.	Names and numbers of polling sub-divisions.	Names of candidates and number of votes polled for each.	Voters in each sub-division.				Ballot papers sent out, and how disposed of in each sub-division.								Number of ballots sent out to each sub-division.	Population in each constituency, as shown by last census.		Remarks.
			Total number of votes polled.	Number of votes remaining unpolled.	Number of names on the Voters' Lists.	Number of ballots sent out to each sub-division.	Used ballot papers.	Unused ballot papers.	Rejected ballot papers.	Spolied ballot papers.	Ballot papers given to voters who afterwards declined to vote.	Ballot papers taken from polling places.						
														Used.	Unused.			

## CHAPTER 5

## An Act to amend The Ontario Controverted Elections Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 11, s. 32  
amended.

1. Section 32 of *The Ontario Controverted Elections Act* is amended by striking out the words "as hitherto" in the fifth line and substituting therefor the words "as follows" and by striking out the words "the third day of Michaelmas sittings in every year" in the eighth and ninth lines of the said section, and substituting therefor the words "the day next preceding the Christmas vacation."

Rev. Stat.  
c. 11, s. 34  
amended.

2. Section 34 of the said Act is amended by adding thereto the following subsection:—

(2) If a selection is not made at the proper time such selection may be made at any other time at a meeting of the members of the Court or Division duly called for that purpose, and Judges on the *rota* shall continue to act until their successors are appointed.

Rev. Stat.  
c. 11, s. 47  
amended.

3. Subsection 2 of section 47, of the said Act is amended by inserting after the word "petition" in the third line of the said subsection the words "including the trial under section 188 of *The Ontario Election Act* of charges of corrupt practices in connection with the election to which such petition relates."

Rev. Stat.  
c. 9.

## CHAPTER 6

## An Act respecting the Supplementary Revenues of the Province of Ontario.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The *Act to Supplement the Revenues of the Crown in the Province of Ontario*, passed at the second session held in the 62nd year of Her Majesty's reign, may be known and cited as *The Supplementary Revenue Act, 1899*, and this Act may be known and cited as *The Supplementary Revenue Act, 1900*.

Short title  
62 V. (2) c. 8.

2.—(1) Paragraph number 6 in section 1 of *The Supplementary Revenue Act, 1899*, is amended by striking out the words "year 1898" in the 11th line and inserting in lieu thereof the words "preceding year."

62 V. (2) c. 8,  
s. 1, par. 6,  
amended.

(2) Clause (b) of paragraph 1 of section 2 of the said Act is amended by striking out the words "each principal office or place of business" in the first and second lines and inserting in lieu thereof the words "the head office."

62 V. (2) c. 8,  
s. 2, par. 1, cl.  
b, amended.  
Tax on offices  
of banks.

3. Clause (b) of subsection 2 of section 2 of the said Act is hereby repealed and the following clause substituted therefor:

62 V. (2) c. 8,  
s. 2, subs. 2  
amended.

(b) "Where a life insurance company has its head office elsewhere than in the Province of Ontario, and has an annual income of less than twenty thousand dollars from premiums on policies on the lives of persons resident in the said Province, and where such company lends money on the security of lands in the said Province such company shall pay a tax of one per cent. calculated on the gross premiums received by said company from such policies during the preceding year, and of one-quarter of one per cent. on the gross annual income received by such company during the same year from loans on policies and on lands or securities on lands in the said Province."

Extra pro-  
vincial life in-  
surance com-  
panies,  
taxation of.

4. Clauses (a), (b) and (c) of paragraph 3 of the said section are repealed and the following substituted therefor:

62 V. (2) c. 8,  
s. 2, par. 3,  
cls. b and c,  
repealed.

(a) Companies with fixed or permanent paid-up capital, \$65 where the paid-up capital is \$100,000 or less and

Loan com-  
panies, how  
taxed.



and 65 cents on every additional \$1,000 or fraction thereof of paid-up capital.

(b) Companies having terminating or withdrawable capital as well as fixed or permanent capital, the sum of 65 cents on every \$1,000 of paid-up terminating or withdrawable capital, after the first \$100,000, in addition to the amount payable under clause (a) of this paragraph.

(c) Companies having terminating or withdrawable capital only, the sum of 65 cents on every \$1,000 of paid-up terminating or withdrawable capital after the first \$100,000.

Loan companies with head office in Great Britain or Ireland or, in another Province.

(d) Where a loan company has its organization and head office in Great Britain or Ireland, or in any Province of the Dominion of Canada other than the Province of Ontario, and employs a part of its funds in Ontario, the Lieutenant-Governor in Council may direct that the tax shall be calculated upon the amount of the funds used or employed by the company in Ontario.

62 V. (2) c. 8, s. 2, par. 5, amended.

5. Paragraph 5 of the said section 2 is amended by adding thereto the following :

Tax on railways used or operated by more than one company.

The amount payable in respect of any line of railway under this paragraph shall not exceed \$5 for each mile of such line, notwithstanding that such line of railway is operated and used by more than one company.

62 V. (2) c. 8, s. 2, par. 12, amended.

6. Paragraph 12 of the said section is amended by adding at the end thereof the following words :

Express companies using sealed cars through Ontario.

But this shall not apply to any express company which transmits goods in sealed cars over any line of railway in the Province of Ontario between two points, both of which are outside the Province of Ontario, where such company does not receive or deliver goods at any station in the Province of Ontario.

62 V. (2) c. 8, amended.

7. The said Act is further amended by adding thereto the following section :

Compromising disputes as to liability for taxes.

30. In case any doubt or dispute arises as to the liability of any company to pay a tax or any portion of a tax demanded under this Act, or where owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may compromise the matter by the acceptance of such amount as he may deem proper, and in case the tax claimed has been paid under protest he may refund the same or any part thereof to the company making such payment.

8. Section 14 of the said Act is repealed and the following substituted therefor :— 62 V. (2), c. 8, s. 14 repealed.

14. The said tax shall be payable on the 1st day of October in each and every year. Time for payment of tax.

9. Section 15 of said Act is amended by adding thereto the following subsection : 62 V. (2) c. 8, s. 15 amended.

(4) In the case of extra-provincial companies which have no officers within the Province of Ontario excepting a chief agent, the statement and information required by this section may be made and furnished by and under the oath of such chief agent alone. Statement by extra-provincial company, verification of

10. Subsection 1 of section 15 of the said Act is amended by striking out all the words in the first two lines and inserting in lieu thereof the words "on or before the 1st day of June in each year"; and by adding at the end of the said subsection the words "and in the case of any class of companies the said statement shall contain such other particulars as the Lieutenant-Governor in Council may from time to time require. 62 V. (2), c. 8, s. 15, subs. 1 amended. Returns by companies.

11. Subsection 3 of section 18 of the said Act is amended by inserting after the word "company" in the first line the words "or in the case of an extra-provincial company the chief agent of such company in Ontario under *The Ontario Insurance Act*." 62 V. (2), c. 8, s. 10, subs. 3 amended. Books of chief agent of extra-provincial company.

12. The taxes imposed by the said Act shall be deemed to accrue and to be a debt due to the Crown, on, from and after the first day of January of the year in which the same are payable. Taxes when to accrue.

13. This Act shall be read with and as part of the said Act to *Supplement the Revenues of the Crown in the Province of Ontario*, and save as to sections 8 and 10 shall be construed as applying to the taxes which became due and were payable in the year 1899, as well as to all taxes payable in future under the said Act. Act incorporated with 62 V. (3) c. 8. To be retro-active.

## CHAPTER 7

An Act for granting aid to the sufferers by the late disastrous fire in the Cities of Ottawa and Hull.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS on the twenty-sixth day of April, 1900, a large part of the City of Ottawa and also a large part of the City of Hull were destroyed by fire, and many hundreds of persons were thereby rendered homeless or suffered the loss of their property and effects or were thrown out of employment, and whereas the said fire has occasioned and will occasion for some time great distress and privation, and whereas it is expedient that this Legislature should make provision for granting aid to persons who have so suffered;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Grant to  
sufferers of  
Ottawa fire.

1. From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied a sum not exceeding in the whole \$25,000 for the purpose of granting assistance to persons who have been rendered homeless or thrown out of employment, or whose property has been destroyed, or who have otherwise suffered by the said fire.

Moneys to be  
paid out as  
Lieutenant-  
Governor-in-  
Council  
directs.

2. The said monies shall be paid out and expended as may be directed from time to time by the Lieutenant-Governor in Council.

Accounts to  
be laid before  
Legislative  
Assembly.

3. Accounts in detail of the monies so expended shall be laid before the Legislative Assembly at its next session.



## CHAPTER 8

## The Provincial Drainage Aid Act.

*Assented to 30th April, 1900.*

**W**HEREAS the Legislature of the Province of Ontario has Preamble.  
from time to time passed various Acts for the purpose of enabling municipalities to provide drainage works by local assessment for the removal of surface water from wet, marsh and low-lying lands, and discharging such waters through such drainage works by gravitation, pumping or other mechanical means into natural outlets in lakes, rivers and streams; and whereas many municipalities have taken advantage of the said Acts and by so doing have rendered the lands in such localities much more productive and valuable, but in some cases the main channel for the conveying and discharging the water is a natural stream, creek or watercourse, either in its natural condition or as artificially improved, or is wholly artificial, or throughout the course of the drainage work high lands exist, so that the cuttings of the work, together with the length or extent of the work, are of such a magnitude as to render the cost of the construction, reconstruction or maintenance of the drainage scheme too great a burden upon the owners of the lands assessed therefor; and whereas in consequence of the want of carrying capacity for the waters and the defective nature of the outlets reached, lands are insufficiently drained, damages are caused by overflow and litigation has been resorted to, to compel municipalities to provide sufficient capacity for the conveyance and discharge of the waters into such an outlet as will cause no damage to adjoining lands; and whereas the sum of ten million dollars more or less has been expended in the construction and maintenance of such drainage schemes, and large sums of money, in addition to private expenditure have been loaned under the authority of the Legislature of the Province of Ontario for the construction of tile or under drainage, and as the best results have not and cannot be realized from such expenditure without providing an effective main channel for the removal and safe discharge of all waters conveyed by such under drainage and the branches or laterals of the main channel, it is expedient that the Legislature in the public interest should grant such aid as will assist in improving and perfecting the principal outlet for such water; and whereas on account of the great expense of providing the main channel with sufficient depth, and with sufficient capacity to produce the best results from under drains, award drains

drains and drainage works constructed by by-laws, many municipalities have been wholly unable to undertake and carry out, at the expense of the lands interested, such works as will perfect the whole drainage system within the watershed, and thus render it most effective in the drainage of the lands and in the cultivation and value thereof; and whereas numerous large tracts of submerged lands have been reclaimed by embanking and pumping and other mechanical means to the great advantage of the Province, although in some cases the results of the work undertaken for such purposes are not satisfactory because of insufficient outlet; and whereas the intention of this Act is not in any way to interfere with any of the provisions of *The Municipal Drainage Act*, or of any other Acts relating to the removal of surface water, but on the contrary to supplement the provisions of the said Act so as to encourage and assist the construction and reconstruction of the main channels and pumping or artificial outlets in cases where the levying of the costs required to provide the same would be greater than the lands interested therein or affected thereby could be reasonably expected to bear.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Application  
of Act.

1. This Act shall apply to that portion of the trunk channel constituting the outlet of any drainage work as defined by *The Municipal Drainage Act* and of any drainage works now constructed or hereafter to be constructed for effecting drainage by embanking, pumping or other mechanical means.

Act to extend  
to reconstruction  
of works.

2. The provisions of this Act shall be applicable to the construction or reconstruction of any drainage work mentioned in the next preceding section hereof.

Council of  
initiating  
municipality  
to apply for  
aid.

3. The council of the municipality initiating the construction or reconstruction of any drainage work as above described shall be the applicant for aid to the Lieutenant-Governor of the Province of Ontario in any case where assistance is sought.

Form of appli-  
cation.

4. The application shall be by way of petition and shall set forth the engineer's report on the proposed work after adoption by the council initiating the work, the assessments upon the lands interested therein or affected thereby and the cash value of the lands so assessed and in parcels as described by the engineer in making his assessment, and such petition shall be verified by the statutory declaration of the engineer employed by such municipality to make the report, and a field plan of the proposed work shall be furnished with the petition.

Examination  
and grant of  
aid on report  
thereon.

5. Should the said report and field plan show that the proposed work is being undertaken for any of the following purposes:

purposes: (a) To provide or improve that portion of the trunk channel constituting the outlet for the drainage work; (b) to furnish capacity over intervening high lands to a natural or, other out-let; (c) to render more effective the operating of a drainage work by embanking, pumping or other mechanical means; then and in every such case the Lieutenant-Governor in Council may cause an examination of the drainage work referred to in the petition and field plan to be made by an engineer of the Public Works Department, whose duty it shall be to report fully upon the contemplated work and all matters connected therewith, and upon his report the Lieutenant-Governor in Council may assume and pay such proportion of the cost of the undertaking as may seem just and reasonable and in the public interest and as may be approved by the Legislative Assembly.

6. The Lieutenant-Governor in Council may at any time direct any investigation or enquiry respecting the said drainage work and any claim for damages or compensation arising from the construction, re-construction or maintenance of the said drainage work or consequent thereon, to be made by the Referee under the Drainage Laws as may be deemed proper, who shall have and possess, in making such investigation and enquiries, all the powers conferred upon him by *The Municipal Drainage Act*.

Investigation  
by Drainage  
Referee.

7. This Act may be known and cited as *The Provincial Drainage Aid Act*.

Short title.



## CHAPTER 9

## An Act respecting Provincial Aid towards the Establishment of Municipal Cold Storage Buildings.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipal by-laws for establishing cold storage buildings.

1. The council of any municipality may pass by-laws:

(1) For acquiring land as a site for buildings for cold storage purposes;

(2) For erecting thereon buildings with all necessary and suitable appliances for cold storage purposes;

(3) For the management and control and operation of such buildings;

(4) For prescribing the fees to be paid by persons from time to time storing goods and produce in such buildings, provided that such fees shall be subject to any order of the Lieutenant-Governor in Council from time to time passed for the purpose of fixing the maximum fees to be charged by municipalities for cold storage.

Agreements for joint action by municipalities.

2. Any two or more municipalities may enter into an agreement for jointly acquiring land and erecting buildings for cold storage purposes and for the joint control and management of the same, and for such purpose may pass all necessary by-laws and do all necessary acts to carry out such agreement.

Grants of public moneys in aid of municipal cold storage.

3. The Lieutenant-Governor in Council may by Order-in-Council direct that out of any moneys that may be voted by the Legislative Assembly for that purpose there shall be paid to any municipality or municipalities which have heretofore erected or may hereafter erect buildings for cold storage purposes as hereinbefore mentioned a sum not exceeding one-fifth of the cost of the construction and equipment of such cold storage buildings, provided that no such grant shall in any case exceed the sum of \$500; and provided further that any cold storage buildings erected under this Act shall be distant not less than five miles from any other cold storage buildings erected by private capital or erected under any other Act of this Legislature.

4. No grant shall be made under this Act until the Commissioner of Public Works of the Province of Ontario has reported to the Lieutenant-Governor in Council that he has caused the said buildings to be examined, and that as to structure, equipment and all reasonable essentials for cold storage purposes they will supply effectual cold storage for the products of the dairy, orchard and farm and such other products as are usually placed in cold storage for preservation.

5. It shall not be necessary for the purposes of this Act that the site selected for the erection of buildings for cold storage shall be within the municipality or municipalities or any of them issuing the debentures for the purchase of the same.

## CHAPTER 10

### An Act respecting the debt of the Township of Dunwich.

*Assented to 30th April, 1900.*

WHEREAS, in or about the year 1876 the Province of Ontario pursuant to *The Ontario Drainage Acts of 1869 and 1873* constructed a certain ditch or drain commonly known as "Number One North Government Drain" on the townline between the Townships of Dunwich and Aldborough, and for the construction of said drain there were assessed certain lands in the Township of Dunwich; and whereas although the Township of Dunwich for many years collected from said lands the assessment charged thereon yet the same was never paid over to the said Province of Ontario, but was used for the general purposes of the said Township of Dunwich; and whereas the said Township of Dunwich always contended that the drain had been improperly constructed and was inadequate for the purpose, for which it was designed; and whereas the amount claimed by the Province of Ontario as against said township amounted on the 24th February 1899 to \$2480 for principal and \$2356 for simple interest at five per cent or a total of \$4836; and whereas pursuant to agreement between the Province of Ontario and the said Township of Dunwich the matters in dispute were referred to Alexander Baird, Esquire civil engineer; and whereas upon the report of the said engineer being made it was by Order-in Council approved on the 24th day of February 1899

that

that the Province of Ontario should accept from the said Township of Dunwich in full of their indebtedness the sum of \$2500 in debentures of the said Township of Dunwich.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Acceptance  
of debentures  
of township  
by govern-  
ment.

1. It shall be lawful for the Lieutenant-Governor in Council to accept for the said indebtedness the debentures of the said Corporation of the Township of Dunwich for the sum of \$2500 and interest payable at such time or times not exceeding five years as the Lieutenant-Governor in Council may approve, such debentures to bear interest at four per cent. payable yearly, and on such debentures being delivered to the Treasurer of the Province it shall be lawful for the Lieutenant-Governor to release all claims upon the said township in respect of said drain.

Debentures  
for \$2500  
authorized.

2. It shall and may be lawful for the Corporation of the said township to pass a by-law or by-laws providing for the issue of debentures of the said township for the said sum of \$2500. and interest, and it shall not be necessary to obtain the assent of the electors of said township to such a by-law or by-laws before the final passing thereof.

Payment  
of debentures  
and interest.

3. Debentures to be issued under the preceding section shall be made payable at such time or times not exceeding five years from the date thereof as the said corporation may direct, and shall be for sums not less than \$100 each as the said corporation may by such by-law or by-laws direct, and the said debentures shall bear interest at the rate of four per cent. payable yearly.

Special rate.

4. The by-law or by-laws authorizing the issue of such debentures shall impose a special rate per annum (over and above all other rates to be levied each year) to be levied and collected in each year during the currency of such debentures and said rate shall be sufficient to pay such debentures and interest.

Informalities  
not to in-  
validate.

5. Any irregularity in form or substance either of the debentures or of the by-law or by-laws authorizing the issue thereof shall not render the same invalid or illegal or be allowed as a defence to any action brought against said corporation for the recovery of the amount of the said debentures or interest or any or either of them or any part thereof.



## CHAPTER 11

### An Act respecting the Manufacture of Spruce and other Pulp Wood cut on the Crown Domain.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All sales of timber limits or berths by the Commissioner of Crown Lands which shall hereafter be made and which shall convey the right to cut and remove spruce or other soft wood, trees or timber, other than pine, suitable for manufacturing pulp or paper, and all licenses or permits to cut such timber on the limits and berths so sold, and all agreements entered into or other authority conferred by the said Commissioner by virtue of which such timber may be cut upon lands of the Crown, shall be so made, issued or granted subject to the condition set out in the first regulation of Schedule A of this Act, and it shall be sufficient if such condition be cited as "The Manufacturing Condition" in all notices, licenses, permits, agreements or other writing.

Sales of timber berths and licenses issued to be subject to manufacturing condition.

2. The regulations set out in Schedule A of this Act are hereby approved and confirmed and declared to be legal and valid to the same extent as if the said regulations had been enacted by the Legislature of Ontario, and the same shall apply to all licenses or permits hereafter issued, whether for the first time or in renewal of licenses or permits heretofore issued or granted.

Manufacturing regulations confirmed.

3. The Lieutenant-Governor in Council may make any further or additional regulations necessary to enable the Commissioner of Crown Lands to carry into effect the object and intent of the regulations contained in Schedule A.

Further regulations.

4. The permit to cut pulpwood now standing in the name of The North Shore Timber Company, Limited, and any renewal thereof, shall be exempt from the provisions of this Act and the regulations annexed hereto for a period of two years from 30th April, 1900.

Exemption as to North Shore Lumber Co.

5. Section 1 of this Act shall come into force on the passing hereof, and the other parts of this Act shall come into force on the 29th day of April, 1900.

Commencement of Act.

## SCHEDULE

## SCHEDULE A.

1. Every license or permit conferring authority to cut spruce or other soft wood, trees or timber, not being pine, suitable for manufacturing pulp or paper, on the ungranted lands of the Crown, or to cut such timber reserved to the Crown on lands leased or otherwise disposed of by the Crown, which shall be issued on or after the 30th day of April, 1900, shall contain and be subject to the condition that all such timber cut under the authority or permission of such license or permit shall, except as hereinafter provided, be manufactured in Canada, that is to say, into merchantable pulp or paper, or into sawn lumber, woodenware, utensils, or other articles of commerce or merchandise as distinguished from the said spruce or other timber in its raw or unmanufactured state; and such condition shall be kept and observed by the holder or holders of any such license or permit who shall cut or cause to be cut spruce or other soft wood, trees or timber, not being pine, suitable for manufacturing pulp or paper, under the authority thereof, and by any other person or persons who shall cut or cause to be cut any of such wood, trees or timber, under the authority thereof, and all such wood, trees or timber, cut into logs or lengths or otherwise, shall be manufactured in Canada as aforesaid. It is hereby declared that the cutting of spruce or other soft wood, trees or timber, not being pine, suitable for manufacturing pulp or paper, into cordwood or other lengths, is not manufacturing the same within the meaning of this regulation.

2. Should any holder of a timber license or permit, or any servant or agent of such holder, or any person acting for him, or under his authority or permission, violate or refuse to keep and observe the condition mentioned in the preceding regulation, then and in such case the license or permit to cut spruce or other soft wood, trees or timber, not being pine, on the berth, territory, lot or lots included in the license or permit, and on which or on any part of which such timber was cut, and in respect of which or any part of which there was a breach of such regulation or a refusal to observe or keep the same, shall be suspended and held in abeyance, and shall not be re-issued, nor shall a new license or permit issue unless and until so directed by the Lieutenant-Governor-in-Council, and then only upon such terms and conditions as the Lieutenant-Governor-in-Council may impose.

3. The Commissioner of Crown Lands, his officers, servants and agents may do all things necessary to prevent a breach of the aforesaid condition or regulation and to secure compliance therewith, and may for such purpose, take, seize, hold and detain all logs, timber or wood so cut as aforesaid, and which it is made to appear to the Commissioner of Crown Lands it is not the intention of the licensee, owner or holder, or person in possession of to manufacture, or cause to be manufactured as aforesaid in Canada, or to dispose of to others who will have the same so manufactured in Canada, until security shall be given to Her Majesty satisfactory to the Commissioner that the said condition will be kept and observed, and that such logs, timber or wood will be manufactured in Canada as aforesaid; and in the event of the refusal on the part of the licensee, owner or holder, or person in possession of such logs, timber or wood, to give such security within four weeks after notice of such seizure and demand of security by or on behalf of the Commissioner, then the Commissioner may sell or cause to be sold such logs, timber or wood by public auction after due advertisement to some person or persons who will give such security to Her Majesty as the Commissioner may require that such logs, timber or wood, shall be manufactured in Canada. The proceeds of such logs, timber or wood shall, after such sale and after deducting all expenses of such seizure and sale, and any sum due and owing to Her Majesty for or in respect of any timber dues, trespass dues, ground rent, or on account of the purchase of any timber or timber berths by the owner, licensee or holder of a permit or other person who has cut, or caused to be cut such logs, timber or wood, or who is the owner or holder of the same, be paid over to the person entitled to the same.

4. Provided, nevertheless, that nothing in the preceding regulations which requires spruce or other timber, not being pine, suitable for manufacturing pulp or paper, to be manufactured in Canada as aforesaid, shall apply to logs, timber or wood cut and in use in Canada for fuel, building or other purposes for which logs, timber or wood in the unmanufactured state are or may be used.

5. Provided, further, that these regulations shall not apply to the east half of the township of Aweres, in the District of Algoma, containing 18½ square miles.

6. The foregoing regulations shall not come into force unless and until they shall be approved by an Act of the Legislature.

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## CHAPTER 12

An Act to amend The Act to establish Forest Reserves.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Forest Reserves Act* is repealed and the following substituted therefor:—

61 V. c. 10, s. 3, repealed.

3. From and after the date of such proclamation no lands within the boundaries of such reserves shall be located, sold, leased or otherwise disposed of for purposes of agricultural settlement, and, except under regulations to be established by the Lieutenant-Governor in Council, no person shall use or occupy any such lands, prospect for minerals, conduct mining operations, hunt, fish, shoot, trap, spear or carry or use firearms or explosives within or upon such reserves.

Lands reserved not to be located, sold, etc.



## CHAPTER 13

## An Act to amend The Mines Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.  
c. 36, ss. 3-6  
repealed.

1. Sections 3, 4, 5 and 6 of *The Mines Act* are hereby repealed.

Royalties  
abolished.

2. All royalties which by the Act passed in the 54th year of Her Majesty's reign, entitled *An Act to amend the General Mining Act*, or by *The Mines Act, 1892*, or by the Revised Statutes (1897) respecting mines, or by any patent, have been reserved, imposed or made payable to the Crown for the use of the Province upon or in respect of any ores or minerals extracted from lands granted under any patent or lease, are declared to be abandoned.

Reservations  
in patents  
rescinded.

3. All reservations of mines, ores and minerals contained in any patent issued prior to the 1st day of July, 1867, and all provisions which reserve or limit the mineral rights conveyed by any patent or lease heretofore issued, excepting patents issued under the *The Public Lands Act* and *The Free Grants and Homesteads Act*, are hereby rescinded and made void, and all mines, ores and minerals, base and precious, in or upon such lands shall be deemed to have been granted in fee simple as part of such lands, and to have passed with the said lands to the subsequent and present owners thereof free from any such reservation.

License re-  
quired by  
miners.

4. No owner of any mine shall carry on the business of mining for any ore or mineral in respect of which a license fee is imposed without first taking out a license under the provisions of this Act.

Annual  
licenses.

5.—(1) The licenses shall be signed and issued by the Commissioner of Crown Lands or the Director of the Bureau of Mines in such form as the Lieutenant-Governor in Council may direct, and shall be dated as of the 1st day of May in each year, and shall continue in force until and including the 30th day of April of the next ensuing year and no longer.

(2) Every license issued under this Act shall designate the property in respect of which it has force, and when the property belongs to two or more persons the license may be issued in the name of any one or more of them, and when the property be-  
longs

longs to a corporation the license may be issued in the name of the corporation.

6.—(1) The fee chargeable for a license shall be \$10, unless a greater amount is payable as provided in the next sub-section. Fees on licenses.

(2) A second or subsequent license shall not be issued under this Act until all fees provided in section 7 of this Act in respect of the property proposed to be covered by such license have been paid, and such fees shall constitute the sum payable for the issue of any second or subsequent license in respect of such property.

7. Every person carrying on the business of mining in this Province shall pay a license fee upon the gross quantity of the ores or minerals mined, raised or won during the preceding year from any mine worked by him to be paid to the Treasurer of the Province for the use of the Province at the following rates, or such less rates as may be substituted by proclamation of the Lieutenant Governor, namely: Taxes on mining.

(a) For ores of nickel, \$10 per ton, or \$60 per ton if partly treated or reduced;

(b) For ores of copper and nickel combined, \$7 per ton, or \$50 per ton if partly treated or reduced.

8.—(1) Every person working any mine of the class or kind of ores named and described in the foregoing section shall on or before the 15th day of February of each year file with the Director of the Bureau of Mines a statement under oath showing the output during the year ending on the 31st day of December next preceding of every mine worked by him or on his behalf, in such form as the Lieutenant-Governor in Council may direct, and showing what disposition has been made of such output. Statement to be filed by miners.

(2) When the business is carried on by an incorporated company the said statement shall be made upon oath by the president and manager, or by the manager and secretary of the company, and if there are no such officers, then by such persons as the Director of the Bureau of Mines may require.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits, a notary public or a justice of the peace.

9.—(1) The owners of the mine shall be jointly and severally liable to the Crown for the amount of the license fees payable in respect thereof, and the same shall be recoverable by action at the suit of Her Majesty on behalf of the Province if not paid to the Treasurer of the Province on or before the 30th day of April in each year. Owners jointly and severally liable for license fees.

(2) The fees payable under this Act shall be a charge upon the lands (described in the license) on which the mine is situate and in respect of which such fees are payable

and shall have priority over all other charges thereon; and in case the same are not duly paid proceedings may be taken for and on behalf of Her Majesty to foreclose the estate and right of all persons claiming any interest in the said property.

(3) In any action under this section Her Majesty's Attorney General shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses, or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action.

Remitting fees  
where ores  
treated in  
Canada.

**10.** Where ores or minerals that have been mined, raised or won in this Province are smelted or otherwise treated in the Dominion of Canada by any process so as to yield fine metal, or any other form of product of such ores or minerals suitable for direct use in the arts without further treatment, then and in every such case the fees provided herein or such proportion thereof as may be fixed by the Lieutenant Governor in Council shall be remitted, or if collected shall be refunded under such regulations as the Lieutenant Governor in Council may prescribe.

Penalty for  
operating  
without a  
license.

**11.** Any person required under this Act to take out a license who works or permits to be worked any mine without a license under this Act covering such mine shall forfeit to Her Majesty the sum of \$50 for every day during which he without the said license works or permits such mine to be worked, such sum to be recovered with costs by an action on behalf of Her Majesty in any court of competent jurisdiction.

License fees  
not to apply  
when output  
less than 1,000  
tons.

**12.** The license fees to be imposed and collected under this Act shall not apply to any mine the output of which is less than 1,000 tons of ore in each calendar year.

Proclamation  
bringing sec-  
tions 4-11 into  
force.

**13.—(1)** The provisions of sections 4 to 12 of this Act or of any of them may from time to time in whole or in part be brought into force and effect by proclamation of the Lieutenant-Governor in Council, and until so brought into force shall not take effect, and the Lieutenant Governor may by the proclamation bringing any of such provisions into force or by subsequent proclamation substitute any less fee for any fee imposed by section 7 of this Act, and may also by proclamation direct that such proportion of the said fees as may be deemed advisable shall, subject to such conditions as may be imposed, be remitted in respect of ores or minerals refined in the United Kingdom or in any British Colony or Dependency.

(2) No return shall be made in respect of any fees paid unless within twelve months of the time of payment application is made therefor and satisfactory evidence is furnished showing that the applicant is entitled to the relief claimed.

Rev. Stat.  
c. 36, s. 8,  
amended.

**14.** Section 8 of *The Mines Act* is amended by adding thereto the following words:

“And



"And in case the Legislative Assembly at the said session (or if the session does not continue for three weeks after the said regulations are laid before the House, then at the ensuing session of the Legislature) disapproves by resolution of such regulation either wholly or in part, the regulation so far as disapproved shall have no effect from the time such resolution is passed."

15.—(1) Where a mining location or a mining claim of not more than 40 acres hereafter sold, leased or licensed is shown to be valuable for iron ore, the Lieutenant-Governor in Council may upon the report of an Inspector or other officer that the mine may be profitably worked and ore shipped therefrom require such ore to be raised or mined by the owner, lessee or licensee thereof to an extent of 2,000 tons yearly for a period of ten years, or 20,000 tons in a shorter period of time, or any less amount which the Inspector may recommend in the case of every such location or claim; and if a location is of greater area than 40 acres a proportional amount of ore may be required to be raised or mined by the owner or lessee thereof.

Working conditions of lands valuable for iron ore.

(2) In default of compliance with the requirements aforesaid during the first two years or during any subsequent year of the said period of ten years, all rights connected with any such mining location or mining claim shall upon an Order in that behalf being made by the Lieutenant-Governor in Council, upon the report of the Director of the Bureau of Mines that such requirements have not been complied with, revert to and be vested in Her Majesty for the public uses of the Province, freed and discharged of any interest or claim of any other person or persons whomsoever.

Forfeiture for non-compliance.

16. Subsection 1 of section 8 of *The Act respecting Mining Claims* as amended by section 13 of *The Act to amend the Mines Act* is repealed and the following is substituted therefor:

61 V. c. 11, s. 8 amended.

(1) A mining claim shall also be deemed to be forfeited and abandoned and all right of the licensee therein shall cease in case the miner's license has run out and has not been renewed, or if the annual fee for the claim has not been prepaid, or if \$150 shall not be expended upon each claim taken up except as hereinafter in this section provided in stripping, or in opening up mines, in sinking shafts, or in other actual mining operations, exclusive of all houses, roads and other like improvements in every license year, and the said expenditure shall consist of labour actually performed by grown men to be computed at the rate of \$2 per man per day; but when work upon a larger scale is required to be performed upon a claim valuable for iron ore, such requirement shall apply instead of the provisions of this subsection.

Forfeiture of mining claim.

17. Section 11 of *The Mines Act* is amended by striking out the word "five" in the seventh line thereof and inserting the

Rev. Stat. c. 36, ss. 11

the

and 12 amended.  
ed.

the word "ten" in lieu thereof, and section 12 is amended by striking out the word "five" in the fourth line thereof and inserting the word "ten" in lieu thereof.

Rev. Stat.  
c. 36, ss. 24  
amended.

18. Section 24 of the said Act is amended by striking out the words "where otherwise provided by this Act" after the word "where" in the ninth line thereof, and inserting in lieu thereof the words "as to decisions pronounced after the passing of this Act where appeal is made therefrom to the Commissioner of Crown Lands within twenty days from the date of such decision."

Rev. Stat.  
c. 36, ss. 50,  
sub. s. 3  
amended.

19. Subsection 3 of section 50 of the said Act is amended by adding thereto the words "and a road allowance of one chain in width shall be reserved along the water, together with such additional area as in the opinion of the Commissioner of Crown Lands may be necessary for the development and utilization of such water power."

Rev. Stat.  
c. 36, s. 22  
amended.

20 Section 22 of the said Act is amended by adding thereto the following subsection:

Plans of mines  
to be filed.

(2) An accurate plan of every working mine in which levels, crosscuts or other openings have been driven from any shaft, adit or tunnel, and of every mine consisting of either a tunnel or shaft having a longitudinal extension of fifty feet or more, shall be made and filed at the office of the Bureau of Mines every six months, and whenever work in a mine has been discontinued or abandoned for a period of one month such plan shall be filed at the office of the Bureau of Mines within two months from the date of cessation of work, and failure to comply with any of these provisions on the part of the owner or agent of the mine shall be regarded as an offence against this Act; but every such plan shall be maintained as confidential information for the use of the officers of the Bureau of Mines concerning the state and extent of every such mine, and shall not be exhibited nor shall any account thereof be imparted to any person or persons except with the written permission of the owner or agent of the mine.

Rev. Stat.  
c. 36, s. 66,  
repealed.

21. Section 66 of the said Act is hereby repealed and the following is substituted therefor:

Liquor  
licenses for-  
bidden within  
six miles of  
certain mines.

66.—(1) Excepting in towns and incorporated villages, no license shall hereafter be issued to any public house, beer shop or other place not now under license for the sale of any spirits, wine, beer or other spirituous or fermented liquor within six miles of any mine or mining camp where six or more workmen are employed.

Prohibition of  
payment of  
wages at pub-  
lic houses, etc.

(2) No wages shall be paid to any person employed in or about any mine to which this part applies at or within any public house, beer shop or place for the sale of any spirits, wine, beer or other spirituous or fermented liquor, or other house

house of entertainment, or within any office, garden or place belonging or contiguous thereto or occupied therewith.

(3) Every person who contravenes or permits any person Penalty. to contravene this section shall be guilty of an offence against this Act, and in the event of any such contravention by any person whomsoever the owner and agent of the mine in respect of which the wages were paid shall each be guilty of an offence against this Act, unless such owner or agent proves that he had taken all reasonable means to prevent such contravention by publishing and to the best of his power enforcing the provisions of this section.

**22.** Section 69 of the said Act is repealed and the following Rev. Stat. c. 36, s. 69, repealed. is substituted in lieu thereof:

**69.** The following general rules shall so far as may be General rules. reasonably practicable be observed in every mine to which this part applies:

1. An adequate amount of ventilation shall be constantly Ventilation. produced in every mine to such an extent that the shafts, adit levels, winzes, sumps, levels, stopes, cross-cuts, underground stables and working places of such mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein.

2. In every working mine which is entered by a shaft and Portable privies. operated to a greater depth than 100 feet, and in every mine which is entered by an adit or tunnel and operated to a greater distance than 300 feet from the mouth of the mine, there shall be kept provided a sufficient number of portable water-tight privies for the underground employees of the mine, and such privies shall be taken to the surface and thoroughly cleansed every twenty-four hours.

3. No magazine of powder, dynamite or other explosive Magazine for explosives. shall be erected or maintained at a nearer distance than four hundred feet from the mine and works, except with the written permission of the Inspector, and every such magazine shall be constructed of materials and in a manner to ensure safety against explosion from any cause, and shall be either so situated as to interpose a hill or rise of ground higher than the magazine between it and the mine and works, or else an artificial mound of earth as high as the magazine and situated not more than 30 feet from it shall be so interposed.

4. No powder, dynamite or other explosive shall be stored When explosives are stored in a mine. underground in a working mine in excess of a supply for forty-eight hours, and in no case shall more than 100 pounds be so stored on one level. It shall be kept in securely covered boxes, and located in otherwise unused parts of the mine never less than 10 feet from lines of underground traffic, nor less than 150 feet from places where drilling and blasting are carried on, and the temperature of such place shall never be less than 60 degrees F. nor more than 125 degrees F.



5. No fuse, blasting caps, electric detonators or any articles containing iron or steel shall be stored in the same magazine, box or other receptacle with powder, dynamite or other explosive, nor at a less distance than 50 feet from such magazine, box or receptacle.

6. Whenever a workman opens a box containing an explosive, or when he in any manner handles the same, he shall not permit any lighted lamp or candle to come closer than five feet to such explosive, nor permit said lamp or candle to be in such a position that the air current may convey sparks to the explosive, and a workman shall not approach nearer than five feet to an open box containing an explosive with a lighted lamp, candle, pipe or any other thing containing fire.

Inspection of stores of explosives in a mine.

7. A thorough daily inspection shall be made of the condition of stores of explosives in a mine, and it shall be the duty of the manager, captain or other officer in charge of the mine to institute an immediate investigation when an act of careless placing or handling of explosives is discovered by or reported to him; and any employee who commits a careless act with an explosive or where explosives are stored, or who having discovered it omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act.

Apparatus for thawing explosives.

8. A proper apparatus, approved by the Inspector shall be provided for use in every mine for thawing explosives, and shall be employed under the direction of the mine foreman, or of careful and experienced workmen.

No iron or steel to be used in charging holes.

9. In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel shall be used in any hole containing explosives.

Missed holes to be reported.

10. A charge which has missed fire shall not be withdrawn, but shall be blasted; and in case the missed hole has not been blasted at the end of a shift, the fact shall be reported by the foreman or shift "boss" to the next relay of miners before work has been commenced by them. To facilitate the blasting of such charge, in cases where the depth of hole and length of charge are known, the tamping may be removed with a copper or wooden instrument to within three inches of the charge in order to insert a new primer for exploding it.

Size of drill holes.

11. All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive without ramming, pounding or pressure.

Blasting of roast heaps.

12. No powder, dynamite or other explosive shall be used to blast or break up ore in roast heaps where by reason of the heated condition of such ore or otherwise there is any danger or risk of premature explosion of the charge.

Man-holes in self-acting or engine planes.

31. Every underground plane on which persons travel which is self-acting, or worked by an engine, windlass or gin, shall be provided

provided at intervals of not more than twenty yards with sufficient man-holes for places of refuge, and every such plane which exceeds thirty yards in length shall also be provided with some proper means of signalling between the stopping places and the end of the plane.

14. Every road on which persons travel underground where the produce of the mine in transit ordinarily exceeds ten tons in any one hour over any part thereof shall be provided at intervals of not more than one hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length, and of at least three feet in width between the waggons running on the tramroad and the side of the road; and the Commissioner of Crown Lands may, if he sees fit, require the Inspector to certify whether the produce of the mine in transit on the road aforesaid does or does not ordinarily exceed the weight as aforesaid, and such certificate shall be conclusive as to the matters therein stated. Refuges in tramroads.

15. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or in such space in such a position as to prevent convenient access thereto. Keeping refuges clear.

16. Where drifts extend from a shaft in opposite directions on the same level, a safe passage way and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material. Protection of workmen in drifts

17. Where a shaft is being sunk below levels in which work is going on, a suitable pentice shall be provided for protection of workmen in the shaft. and shafts.

18. The top of every shaft which was opened before the commencement of the actual working for the time being of the mine and has not been used during such actual working shall, unless the Inspector otherwise permits, be securely fenced, and the top of every other shaft which for the time being is out of use, or used only as an air shaft, and all other pits or openings dangerous by reason of their depth upon which work has been discontinued shall also be securely fenced. Fencing of old shafts and other openings

19. The top and all entrances between the top and bottom of every working or pumping shaft shall be kept properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations if proper precautions are used. Fencing of entrances of shafts.

20. Where the natural strata or enclosing rocks are not safe, every working or pumping shaft, adit, tunnel, drive, roadway, stope or other working shall be securely cased, lined or timbered, or otherwise made secure. Securing of shafts.

21. Every working mine shall be provided with proper and sufficient machinery and appliances for keeping such mine free from water, the accumulation or flowing of which might injuriously affect any other mine. Safety from water.

Division of shaft.

22. Where one portion of a shaft is used for the ascent and descent of persons by ladders or by a man engine, and another portion of the same shaft is used for raising the material being mined, the first mentioned portion shall be cased or otherwise securely fenced off from the last mentioned portion.

Conditions under which machinery may not be used to lower or hoist men in a mine.

23. Workmen may not be lowered or hoisted in shafts, winzes or other underground openings of a mine under any of the following conditions :

- (a) In buckets, kibbles or tubs, where a crosshead is not provided as a guide for the rope or cable.
- (b) In buckets, kibbles or tubs which slide on skidways or other guides.
- (c) In skips.
- (d) In buckets, kibbles, tubs or on cages which are not provided with a hood over them, or with a secure guard wall or housing of logs, boards or masonry around and extending at least two feet above the level of each and every landing and loading stage, platform or station floor in the shaft or winze.
- (e) Where loading bins are used on the side of the shaft or winze for loading by chutes directly into the skip, bucket, kibble or tub.
- (f) Where no detaching hooks or other safety appliances are employed to prevent overwinding.
- (g) Where the hoisting engine used is provided with less than two brakes.
- (h) Where no indications other than marks on the rope or cable are used to show to the person who works the machine or hoisting engine the position of the bucket, kibble, tub, skip or cage in the shaft or winze.
- (i) Where the rope or cable passes through blocks instead of passing over a sheave of diameter suited to the diameter of the rope or cable and properly mounted on a secure head-frame.
- (j) Where the lowering and hoisting mechanism consists of a derrick, horse-whim or hand windlass.

It shall be the duty of the owner of every mine to post and maintain at the mouth of the shaft or other conspicuous place a printed copy of this rule, and in any case of accident occurring as a result of violation of this rule the owner shall not be liable for damages except upon proof that he has permitted or authorized the employment of means herein prohibited for raising and lowering workmen in a mine, or that a suitable manway has not been provided.

Skidways for buckets.

24. All skidways for buckets shall be iron-shod after a depth of sixty feet has been reached in a shaft or other opening in a mine, and all such irons shall have their ends turned down



down and securely fastened into the timbers constituting the guide or skidway.

25. Unless with the written permission of the Inspector, Skipways. skipways shall be provided with back timbers to prevent skips leaving the track where such skipways are inclined at more than 45 degrees from the horizon.

26. Hoisting with horse and pulley-block is forbidden where the depth of a shaft is more than 30 feet. Hoisting with horse and pulley block.

27. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping. Slipping of rope on drum.

28. There shall be attached to every hoisting machine a brake adequate to hold at any point in the shaft the weight when filled with ore of the skip, bucket or other vessel used for hoisting or lowering, and also in any shaft of greater depth than 200 feet there shall be a proper indicator (in addition to any mark on the rope) which will show to the person who works the machine the position of the cage or load in the shaft. Brake.

29. No person shall ride upon or against any loaded car, cage, kibble, bucket or tub in any shaft, slope or plane in or about any mine. Riding on loaded cars, etc.

30. It shall be the duty of the manager, captain or other competent officer of every mine to examine at least once every day all slopes, shafts, main roads, travelling ways, signal apparatus, pulleys and timbering, in order to ascertain that they are in a safe and efficient working condition. Daily examination.

31. The owner, operator or superintendent of every mine where six or more men are employed in underground work shall maintain a properly constructed stretcher for the purpose of conveying to his place of abode any person who may be injured while in the discharge of his duties at such mine, and where 20 men or more are so employed there shall be maintained two stretchers, and one additional stretcher shall be maintained for each additional 20 men so employed. Stretchers for conveyance of injured persons.

32. Every person, company or corporation who has sunk on any mine a vertical or incline shaft to a greater depth than 100 feet, where the top of such shaft is covered or enclosed by a building which is not fire-proof, and who has drifted a distance of 200 feet or more from the shaft, and has commenced to stope, shall provide and maintain to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft or opening. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon such escapement shaft or opening must be begun as soon as stoping is commenced, and must be diligently prosecuted until the same is completed, and the said escapement shaft or opening shall be continued to and connected with the lowest workings in Escapement shafts.

in the mine. The escapement shaft or opening herein provided for must be of sufficient size to afford an easy passage way, and if it is an upraise or shaft it must be provided with good and substantial ladders from the deepest workings to the surface. If the outlet herein provided for is not in a direct or continuous course, sign boards plainly marked "Exit" with an index hand showing the direction to be taken must be placed at each departure from the straight continuous course.

Old timber  
to be removed.

33. All old timber not in use to sustain the roof or walls of any part of a mine shall as soon as practicable be taken from the mine, and shall not be piled up and permitted to decay therein.

Storing oil,  
etc.

34. All oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the powder magazine and from the main buildings, and their removal from said building for use shall be in such quantities only as are necessary to meet the requirements of one day.

Signalling.

35. Every working shaft in which persons are raised which exceeds 100 feet in depth shall, unless exempted in writing by the Inspector, be provided with guides and some proper means of communicating by distinct and definite signals from the bottom of the shaft, and from every level for the time being in work between the surface and the bottom of the shaft to the surface, and also of communicating from the surface to the bottom of the shaft, and to every level for the time being in work between the surface and the bottom of the shaft.

Code.

36. The following code of mine signals shall be used at all mines, and copies of it shall be posted up in the engine-house, at the shaft mouth and at all landing and loading stations below ground:

#### SIGNAL BELLS.

One bell . . . . . Hoist.

One bell . . . . . Stop, if in motion.

Two bells . . . . . Lower men.

Three bells . . . . . Hoist men.

Four bells . . . . . Blasting signal. Engineer must answer by raising bucket or cage a few feet and letting it back slowly. Then, *one* bell, hoist men away from blast.

Five bells . . . . . Steam on.

Six bells . . . . . Steam off.

Seven bells . . . Air on.

Eight bells . . . Air off.

3—2—2 bells . . . Send down drills.

3—2—3 bells . . . Send down picks.

Nine bells . . . . . Danger signal, in case of fire or other danger. Then ring number of station where danger exists.

No person shall ring any bell except the station tender, unless in case of danger, or when the main shaft is being sunk. Engineers must slow up in passing stations when men are on the cage.

#### LEVEL OR STATION BELLS.

Bells.	Pause.	Bells.	Station number.
2	"	1	1
2	"	2	2
2	"	3	3
2	"	4	4
2	"	5	5
3	"	1	6
3	"	2	7
3	"	3	8
3	"	4	9
3	"	5	10
4	"	1	11
4	"	2	12
4	"	3	13
4	"	4	14
4	"	5	15
5	"	1	16
5	"	2	17
5	"	3	18
5	"	4	19
5	"	5	20
6	"	1	21
6	"	2	22
6	"	3	23
6	"	4	24
6	"	5	25
7	"	1	26
7	"	2	27
7	"	3	28
7	"	4	29
7	"	5	30

The skip, bucket or other hoisting vessel must always be kept at the surface when not immediately required below ground. When the hoisting vessel is at the surface it shall be retained there until called down by ring of a station signal. When the hoisting vessel is wanted, ring station signal. When the hoisting vessel is to be sent from one level to another, ring three times in succession the signal corresponding to the level or station to which the vessel is to be sent. When not otherwise wanted, signal to hoist the vessel to the surface. If 2—1—2 bells are rung, the engineer does not understand: repeat the signal.

37. A proper footway or ladder, inclined at the most convenient angle which the space in which the ladder is fixed allows. Inclination of ladders.



allows, shall be provided in every working shaft where a man engine is not used for raising or lowering persons as provided in rule 22; and every such ladder hereafter constructed in a working shaft shall have substantial platforms at intervals of not more than 25 feet, and no such ladder shall be fixed for permanent use in a vertical or overhanging position unless in shafts used exclusively for pumping. In every mine in which vertical or overhanging ladders shall be in use in the shaft at the time these rules were first applied to it, such ladders may be retained if securely fixed platforms are constructed at intervals of not more than thirty feet from each other, and such ladders have sufficient spaces for footholds of not less than six inches.

Dressing  
room.

38. If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of pure cold and warm water for washing, shall be provided above ground near the principal entrance of the mine, and not in the engine room or boiler room, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Fencing  
machinery.

39. Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be kept securely fenced.

Gauges to  
boilers and  
safety-valve.

40. Every steam-boiler shall be provided with a proper steam-gauge and a proper water-gauge to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve.

Wilful  
damage.

41. No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act.

Instructions  
and rules to  
be posted.

42. Instructions and rules required to be posted in or about a mine under the authority of this Act shall be written or printed in the language or languages most familiar to the workmen employed at the mine, and it shall be the duty of the owner or agent of the mine to maintain such instructions and rules duly posted, and the removal or destruction of them shall be an offence against this Act.

Rev. Stat.  
c. 36, s. 70  
repealed.

23. Section 70 of the said Act is hereby repealed and the following is substituted therefor.

Notice to be  
given of  
changes in  
mines.

70. Where mining operations have been commenced upon any claim, location or works in the Province, or where such operations have been discontinued, or where such operations have been re-commenced after an abandonment or discontinuance for a period exceeding two months, or where any change occurs in the name of a mine or in the name of the owner or agent thereof, or in the officers of any incorporated company which

which is the owner thereof, the owner or agent of such mine claim, location or works shall give notice thereof to the Director of the Bureau of Mines within two months after such abandonment, discontinuance, re-commencement or change, and if such notice is not given the owner or agent shall be guilty of an offence against this Act.

24. Section 73 of the said Act is amended by inserting after the word "Act" in the third line thereof the words "or who fails to comply with the provisions of section 22."

Rev. Stat.  
c. 36, s. 73,  
amended.

25. This Act shall be read with and as part of *The Mines Act*.

Act to be read  
with Rev.  
Stat. c. 36.

## CHAPTER 14

### An Act respecting The Bureau of Labour.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. There shall be attached to the Department of the Commissioner of Public Works a bureau, to be styled "The Bureau of Labour;"

Bureau of  
Labour estab-  
lished.

2. The Lieutenant-Governor may appoint a Secretary of the said Bureau, and may also appoint such other officers as may be necessary for the proper conduct of the Bureau.

Secretary and  
other officers

3. It shall be the object of the Bureau to collect, assort and systematise and publish information and statistics relating to employment, wages and hours of labour throughout the Province,—cooperation, strikes, or other labour difficulties, trades unions, labour organizations, the relations between labour and capital, and other subjects of interest to workingmen, with such information relating to the commercial, industrial and sanitary condition of workingmen, and the permanent prosperity of the industries of the Province, as the Bureau may be able to gather.

Information,  
and statistics  
as to employ-  
ment, wages,  
etc., to be  
collected.

## CHAPTER 15

An Act to confirm an Agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the Fort Erie Ferry Railway Company and relating to the said Company.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Agreement between Park Commission and Fort Erie Ferry Railway Company confirmed.

1. The agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the Fort Erie Ferry Railway Company, dated the tenth day of April, one thousand nine hundred, a copy of which is contained in the schedule hereto, is hereby approved, ratified and confirmed and declared to be valid and binding on the parties thereto, and the Commissioners and the Company respectively may do whatever is necessary to give effect to the substance and intention of the said agreement.

Time for completion of railway extended.

2. Chapter 85 of the Acts passed in the 60th year of Her Majesty's reign, being *An Act respecting the Fort Erie Ferry Railway Company*, is hereby amended by extending the time for the completion of the line of railway in the said Act specified, and as defined in the schedule hereto, to the 13th of April, 1905.

Commencement of Act.

3. This Act shall go into effect on such day as the Lieutenant-Governor in Council may by proclamation appoint, and not before.

### SCHEDULE.

This agreement made this tenth day of April, one thousand nine hundred, between the Commissioners for the Queen Victoria Niagara Falls Park, acting herein on their own behalf as well as on behalf and with the approval of the Government of the Province of Ontario, and hereinafter called the Commissioners, of the first part, and the Fort Erie Ferry Railway Company, a corporation incorporated by the Legislature of the Province of Ontario, and having no other existence or powers except by virtue of the said Legislature of Ontario, and hereinafter called "The Company," of the second part.

1. The expression "The Commissioners," wherever it occurs herein, shall be understood to mean not only the parties hereto of the first part, but also their successors and assigns and those who for the time being may be the commissioners of the Queen Victoria Niagara Falls Park, or anybody



any body, minister, or other official to whom the Legislature of Ontario may appoint or require to discharge the duties or exercise the powers of the commissioners.

2. The expression "The Company," wherever it occurs herein, shall be understood to mean the company incorporated as hereinbefore mentioned, and its successors and assigns. 2 (a) The company shall not be affected by any provisions in *The Electric Railway Act* contained, which may be at any time repealed or be declared to be without the powers of powers of the Legislature of Ontario; and section 9 relating to the acquisition of lands for parks; sections 18 to 26 inclusive; sections 36 to 38 inclusive, and sections 44 to 80 inclusive of *The Electric Railway Act*, are declared to be inconsistent with the rights, powers and duties of the company in respect of this agreement, and shall not apply thereto.

3. The expression "Chain Reserve," wherever it occurs herein, shall be understood to mean, the land lying along the bank of the Niagara River situate in the townships of Bertie and Willoughby and county of Welland, in the Province of Ontario, and extending from the Garrison road in the village of Fort Erie, to and including Lot number 22, in the second concession in the township of Willoughby, lying between those portions of the lots, heretofore granted by Letters Patent from the Crown, and the waters edge of the River Niagara, and including the chain reserve proper as hereinafter defined.

4. The expression "chain reserve proper," wherever it occurs herein, shall be understood to mean and include the highway as originally defined, or as now or by these presents widened and substituted in front of, or upon the lots fronting on the Niagara River, or upon which the allowance for road along the river is laid, and one chain in width.

5. The expression "the railway," wherever it occurs herein, shall be understood to mean a railway to be constructed, run and operated by electric power, and no different or other power, and to be constructed and laid upon the chain reserve proper.

6. Whereas the company in pursuance of the powers and subject to the conditions in the Acts of the Legislature of the Province of Ontario contained, being about to build a Railway between the Village of Fort Erie, in the County of Welland, to a point in or near the Village of Chippewa, in the said County of Welland, the power of locating the same not being exercisable until the company has obtained the approval of the Lieutenant-Governor in Council to the construction of the said Railway, and, in order to obtain such approval, the company has applied to the commissioners to secure the approval of the Government of Ontario, for the right of occupation of some parts of the Chain Reserve, to construct the said railway thereon, as part of a railway to extend between the Village of Fort Erie and the Village of Chippewa.

7. And the commissioners, acting on behalf of the Government of Ontario, with its approval, are prepared to license such occupation for the purposes aforesaid, upon the terms in this agreement mentioned and set forth.

8. And whereas the provisions and conditions hereinafter set forth as agreed upon between the parties, some of which modify or change some of the provisions of Acts of the Legislature of the Province of Ontario, and together with other stipulations and conditions herein contained, will require the passing of an Act of the Legislature to confirm and declare the legality of this agreement as hereby agreed upon, or as the Legislature may deem proper to require, order or declare.

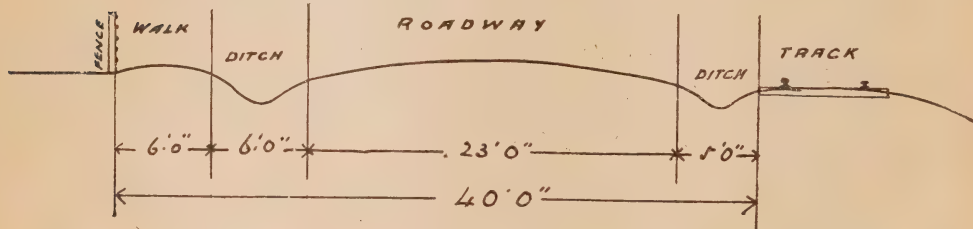
9. And whereas the improvement and maintenance of the bank of the River Niagara between the above limits, so that the same shall be preserved against the wash of the river, and the preservation and continuance of highway facilities over the Chain Reserve, are among the considerations moving the commissioners towards the making and entering into this agreement.

10. This agreement witnesseth and it is hereby agreed by the parties hereto.

That

That between the point of commencement of the railway in the Village of Fort Erie, viz :—to Slater's Point on the Niagara River, being in front of lot number twenty-two of the broken front of the township of Willoughby, in the county of Welland aforesaid, the railway shall be laid on the east or river side of the Chain Reserve proper on such line as the commissioner of Public Works shall determine; and for that purpose shall be allowed 26 feet in width thereof subject to the uses hereinafter specified, and measuring from the tracks of the railway on the west as the location of the railway is above defined, the space for unobstructed highway traffic shall not at any time during the continuance and existence of this agreement, or at any point, be less than 40 feet in width west of the western berm of the railway except where lessened in the discretion of the commissioner of Public Works, as hereinafter provided, so that the common and public use for highway may pass freely over and along the highway as heretofore, between the farms and private lands on the one hand, and the railway on the other, subject to rights of passing over the railway, as by law, or as hereinafter specified.

11. The company in respect of the said highway within the width of 40 feet, shall grade, shape and roll the same to a hard finish for the entire distance between the point of beginning of the railway at Fort Erie to Slater's Point on lot number twenty-two as and for a turnpike road, according to the cross-section shown herewith, providing sufficient cross-drainage of a permanent character, and providing all necessary bridges of the full width of the road as in the cross-section shown, namely, 23 feet width in the clear :



11. (a) Between the northern boundary of the Village of Bridgeburg and Slater's Point, with the consent of the commissioner of Public Works at certain points by reason of circumstances of special difficulty, the normal width of 40 feet for highway as above provided may be lessened, and whatever land may be required to secure such width of 40 feet at any time during the continuance and existence of this agreement west of the Western berm of the railway, excepting the special provision between the point of commencement in the Village of Fort Erie to the northern boundary of the Village of Bridgeburg, shall, if the same form any part of the land of proprietors (other than the commissioners) be procured by the company, by or under any powers which are exercisable by this agreement, as confirmed by Act of the Legislature. Between the point of commencement and the northern boundary of the Village of Bridgeburg, the Company shall not be required to expropriate land for widening the highway to the full width of 40 feet as hereinbefore stipulated.

12. Any land which may be required in order to make and maintain the highway of the full width above specified and defined, or wherever any land is required for such highway or railway, other than by the grant by the commissioners by these presents made, such land shall by such requirements become dedicated for use for highway purposes, or for railway purposes, as the case may be, in accordance with these presents, but the title thereof, if not so already, shall be made to the commissioners as and for the public uses of the Province, but subject to highway uses :

Fences, including gates, shall be erected by the company along the division or boundary line of the highway and the land of the proprietor, where land shall have been taken from the proprietor for the purpose of widening highway, within two months from the time of such taking, unless the proprietor shall by writing extend such time, such fences shall be of the same style as are upon and exist at the time of such taking, or

the

the same fences shall be moved and re-erected, if such removal, including the gates, can be removed satisfactorily, and made not less good than previously to the taking as aforesaid.

13. The highway as now located or as may be placed on lands acquired for its improvement, including the part occupied by the railway notwithstanding where or in whom the title to the soil and freehold may be vested, shall be under no control other than that of the municipalities within which its several parts are situate, in accordance with the provisions of *The Municipal Act*, except as by these presents varied.

14. Wherever there is or may be a public highway from the Chain Reserve proper to the water's edge of the Niagara River, the same shall be kept open, maintained and repaired by the company during the existence of this agreement.

15. The railway tracks shall be subject to free passage over the same for highway purposes, and to the waters of the river for domestic purposes or watering stock, where such uses shall not trespass upon any private right; and all persons using the highway upon which the railway is laid, or adjacent, shall be at liberty to travel upon any portion of the highway occupied by the railway provided that the running of the railway carriages or other conveyance of the company are not unduly impeded or interfered with in such running; and in all cases carriage or other vehicle on the railway track shall immediately, by leaving the track, give place to the railway carriages or other conveyances of the company.

16. The rights of the company hereby granted or conferred, shall be subject to the exercise by the Government, of grants of passing over the railway, and granting access to the lands or water lots of Ontario along the bank, foreshores, or bed of the Niagara river, for any purposes whatever; the rights of the company hereby granted or conferred shall also be subject to any grants, public rights, or private rights which may have been heretofore granted by the Dominion or any Provincial Government.

17. And this agreement further witnesseth as follows, that is to say, that for and in consideration of the matters hereinbefore contained, and the due execution by the company of the works thereby agreed by the company to be constructed and the lands to be acquired, and also of the rentals hereinafter reserved, and other provisions herein contained, the commissioners do hereby license and permit the company to construct a first-class electric railway with single or double tracks over and upon the chain reserve proper, from a point in the village of Fort Erie aforesaid at the steamer landing (nearly opposite Forsyth street) being in front of the chain reserve proper, thence along the chain reserve proper to that part of lot numbered twenty-two in the broken front of the said township of Willoughby, in accordance with the provisoes, conditions, agreements, and recitals, in this agreement contained.

18. The said railway is to be four feet eight and a half inches gauge, and is to be laid with steel rails of not less than 45 pounds to the lineal yard, fastened with fish plates, the formation, ballast, bridges and all other structures to be approved of by the Commissioner of Public Works for the Province of Ontario; for the purpose of electric light or electric power being used by consumers, the company shall have power to place wires upon the poles of the company used for transmission of the electric power required to operate the railway.

19. The company shall not erect any buildings or sheds upon the chain reserve without special permission of the commissioners, and shall not carry any work thereon that will in any way disfigure the chain reserve or river bank, of which works, whether disfiguring or not, the commissioners are to be sole judges.

20. Nor shall the company encroach upon any part of the chain reserve proper with the object or for the purpose of constructing or building the railway or any part thereof upon the chain reserve proper, nor any part thereof until the formation and constructing of the highway of forty feet in width, in accordance with the profile thereof, and the bridges of such highway shall have been completed to the satisfaction of the Commissioner



of Public Works and ready for public use, and the acquisition of the land, which may have to be acquired for the width provided under this agreement, shall have been validly acquired and vested in the commissioners as herein provided.

21. But so soon as the highway shall have been completed in accordance with the provisions of the next preceding paragraph, the company may commence the construction of the said railway whenever the plans and specifications thereof are approved in accordance with paragraph 35 of this agreement, but neither such approval, nor any other matter in this agreement contained is to affect the observance by the company of all the provisions of the laws of Ontario, in so far as the same are applicable by virtue of any of the Acts of the Legislature of Ontario affecting the said railway.

The Commissioner of Public Works with a view to enable the building of the railway being expedited may define portions of the railway, (the location and specifications whereof having been duly approved) the construction of which may be commenced before the whole of the highway has been completed, provided that contiguous to such defined portions of the railway, the land, if any required for widening the highway has been obtained, and that the public use of the highway contiguous to such defined portions of the railway shall not be obstructed or impaired.

22. The railway shall not be constructed, operated or worked upon the chain reserve proper, or its traffic thereon arranged so as to impede or incommode the public use of any streets, highway, or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same.

23 The license hereby granted is for the term of twenty-one years, commencing with the first day of January, nineteen hundred and one, the company paying therefor to the commissioners the clear yearly rental of (\$1,000) one thousand dollars during the first seven years (the rent to be computed from the first day of January, 1901. The rental for the eighth, ninth and tenth years of the term to be twelve hundred dollars for each year, the rent for the eleventh to the fifteenth years of the term inclusive to be fifteen hundred dollars for each of the said five years, and the rent for the sixteenth to the twenty-first year of the term inclusive to be two thousand dollars for each of the said six years. The said rentals to be paid in four equal quarterly instalments, on the first day of the months of April, July, October and January in each and every year, the first payment shall be due and payable on the first day of April, 1901; and all such payments shall be made to the Commissioners quarterly as aforesaid, whether the railway be complete or not.

24. The rent shall be paid, although the company may not by virtue of this agreement be able to exercise the rights and powers to construct and operate the said railway, it being understood that the commissioners do not guarantee the rights, interests, and franchises hereby conveyed to the company, and do not covenant for the quiet enjoyment thereof, except as against the acts of the commissioners and their successors, and anyone claiming by, through or under them.

25. At the end of the term of twenty-one years, to be computed from the first day of January, 1901, the said term shall be renewable on the request by the company for a further period of twenty-one years as may be agreed upon, or as hereinafter provided.

26. If at the end of the said first term or period of twenty-one years, the Commissioners shall demand from the Company for the further period of twenty-one years the payment of a greater clear annual sum than the sum of two thousand dollars as rental for each year of the said further or second term or period of twenty-one years, then if the parties hereto cannot agree as to the same, the amount to be paid for such other period, not less than the amount of two thousand dollars for rental for each year of such further period, shall be ascertained by three arbitrators or a majority of them, one of whom shall be named and appointed by the

Commissioners

Commissioners, another by the company (the parties hereto of the second part) and the third by the Chief Justice or senior presiding judge of the Provincial Court of ultimate appellate jurisdiction for Ontario. The proceedings of and before such arbitrators shall be subject to the provisions of law relating to "References by Consent out of Court" contained in the Revised Statutes of Ontario 1897, chapter 62, respecting arbitration and references. Either party to such arbitration may appeal in accordance with the provisions of the aforesaid Revised Statute respecting Arbitration and References.

27. If the company desire to renew for such further period of twenty-one years, notice of such desire to renew shall be given by the company to the Commissioners in writing at least twelve months before the expiration of the first term or period of twenty-one years.

28. If at the end of the said first period of twenty-one years, the company decline or are unwilling to renew, or at the end of the second period of twenty-one years, if the company continue to hold for such second period, the company shall be duly compensated by the Commissioners for their railway machinery and other works (between the points over which the same is licensed to be constructed by virtue of this agreement and being in and upon the lands under this agreement licensed), including the equipment, but not in respect of any franchises for holding or operating the same, such compensation to be fixed by mutual agreement, or in case of difference by arbitration as in paragraph 26 of this agreement, but the failure before the expiration of any such term to fix such compensation in manner aforesaid, or to pay before such expiration, the amount of compensation so fixed, shall not entitle the company to retain possession meanwhile of the said railway, equipment, machinery and works, by this agreement to be constructed or operated, but the same shall nevertheless and notwithstanding that the commissioners may have taken possession thereof, remain subject to such liens and charges save as to possession as aforesaid, as may exist in favour of bond-holders or debenture holders of the company, and the company shall retain a lien or charge thereon, save as to possession as aforesaid, for compensation of their railway equipment, machinery and works to be agreed upon as aforesaid or so to be awarded to them, provided however, that all such liens and charges shall not exceed the amount that may be agreed upon or may be awarded for such compensation as aforesaid.

29. The compensation to be made to the company in respect of the matters contained in the next preceding paragraph of this agreement, according to its provisions under the contingencies therein specified, shall include the prices paid to the proprietors of the lands to be acquired to build the railway, and to restore or widen the highway, which the company will have to acquire, and which the commissioners do not now hold, and also the amount actually paid for grading and making the Highway and its bridges in accordance with the provisions and specifications contained in paragraph 11 of this agreement.

30. The particulars of the prices paid for land, and the amount paid for making the highway and its bridges shall be furnished to the Commissioners within six months after the same shall have been paid by the company.

For all railway equipment, machinery and works provided, and the amount expended during the continuance of this agreement and its term of extension if extended under its provisions and which has been expended in each year, the company shall annually furnish to the commissioners particulars of such expenditure, and if not furnished within one year after expenditure, such expenditure shall not form an item or outlay for which the company at the expiration of this agreement or the extension thereunder shall be compensated, but no interest on any of the foregoing expenditures or outlays shall be claimable by the company or recoverable as part of the compensation to be paid or allowed, and the valuation of the railway and works done, and equipment, shall be upon the condition of such railway and works and their actual value at the expiration of this agreement.

31. The rents hereby agreed to be paid are hereby declared to be and shall be the first and preferential charge upon the railway and works, and the company shall not create any lien, charge or encumbrance upon the railway or works, or any of them by bond, debenture, mortgage or otherwise, nor suffer any mechanic's lien to be created, which will interfere with or prevent the commissioners from procuring payment of the rent hereby reserved, or any part thereof, and no simple contract creditor or any other creditor of the company is to have any claim against the railway or works, or any part thereof, in priority to the claim of the commissioners for rent.

32. Provided always that if any of the rent, whether payable under paragraph 23 of this agreement, or in respect of the renewal term in the paragraphs subsequent and supplementary thereto, shall be in arrear for three months, whether legally demanded or not, the commissioners, or if not then an existing corporation, the Government of the Province of Ontario may enter into and upon the railway or any part thereof in the name of the whole, and thereupon this agreement shall terminate and the remainder of the term then current shall terminate as well as any renewal thereof, which under this agreement may be claimed.

33. In respect of all rights and authorities which the commissioners by this agreement have conferred or have agreed to confer upon the company to exercise in and about the execution of the works to be constructed, and operating and working the same, or of all other matters of any kind whatever herein agreed upon, the company will indemnify the commissioners in respect of the exercise of said rights by the company, or of any acts done by the company in pursuance of any of the matters herein contained, and will hold the commissioners free from any liability to any person or persons whomsoever.

34. And provided that should the title of the commissioners, or of the Crown, to any portion or portions of the lands hereby licensed to be occupied by the company found to be defective, neither the company nor its successors or assigns shall have any claim in respect thereof by virtue of anything contained in these presents.

35. The company shall not commence the construction of the highway or the railway or any work thereunto appertaining, until it has submitted to the Lieutenant-Governor in Council plans of the location of such highway, and of the profile thereof, and such highway is proposed to be widened and of all the intended works and bridges thereunto appertaining, and the approval of the Lieutenant-Governor in Council obtained, nor until the plans and specifications of the railway have been approved by the Lieutenant-Governor in Council.

36. The construction, widening and grading of the highway shall be commenced within two years, and the railway within three years, and the whole completed within five years from and after the date of this agreement, and if the said works are not commenced and completed within said times, then the powers in this agreement, provided and granted shall cease and be null and void.

37. The company covenants, promises and agrees with the commissioners to carry into effect, observe, perform, and fulfil all the provisions and stipulations in these presents contained, and to be carried into effect, observed, performed and fulfilled by the company.

38. This agreement shall have no force or effect until confirmed by an Act of the Legislature of the Province of Ontario.

In witness whereof the corporate seal of the commissioners has been hereto affixed by the chairman who has signed this agreement and duly authorized for all purposes hereof by resolution of the Board of Commissioners duly passed on the eleventh day of April, 1900, and the company, acting by and through its president and secretary, duly authorized for all purposes hereof by resolution of the Board of Directors of the said company, duly passed on the ninth day of April, 1900, has hereunto affixed its corporate seal under the hands of the president and secretary.

Signed



Signed sealed and delivered by the President and Secretary of the Fort Erie Ferry Company in presence of

JAMES WILSON.

{ Fort Erie Ferry  
Railway Company  
Corporate Seal. }

W. H. DAVIS  
President.  
WM. WHARTON,  
Secretary.

{ The Queen  
Victoria Niagara  
Falls Park  
Corporate Seal. }

The Commissioners of the  
Queen Victoria Niagara  
Falls Park,  
J. W. LANGMUIR,  
Chairman.

## CHAPTER 16

### An Act to amend The Algonquin National Park Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sub-section 1 of section 13 of *The Algonquin National Park Act* is amended by inserting after the word "pine" in the second line thereof the words "spruce, hemlock, black and yellow birch, cedar, black ash and tamarack," and by striking out the word "pine" in the ninth line thereof and substituting the word "said" in lieu thereof; and also by adding the following words at the end of the said sub-section; "provided that all interest or claim of the holders or owners of timber licenses and the renewals of such licenses heretofore or hereafter issued in or to any kind of timber whatsoever in the said park except pine timber shall on and after the expiry of thirty years from the 30th day of April, A.D. 1900, forever cease and determine, and all the said timber except pine timber shall be and become the property of Her Majesty freed and discharged of and from any interest, charge or claim of the said holders or owners of timber licenses or any persons claiming through or under them, or any of them or any other person whomsoever; but nothing in this section contained shall authorize the cutting of any timber except pine by the holders or owners of timber licenses in the said park issued for timber berths at the sale of which by the Crown the right to cut pine timber only was sold."

Rev. Stat.  
c. 46, s. 13,  
subs. 1  
amended.

Interests under licenses for timber other than pine and renewals to cease after 30th April 1930.

## CHAPTER 17

## An Act to amend the Statute Law.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 6, s. 15,  
amended.

1. Section 15 of *The Act respecting the Representation of the People in the Legislative Assembly*, is amended by striking out the words "Villages of Hintonburg, Ottawa East, and" in paragraph numbered 67 and substituting therefor the words "Village of."

61 Vict., c. 4,  
s. 1, amended.

2.—(1) Section 1 of the Act to amend *The Manhood Suffrage Registration Act*, passed in the 61st year of Her Majesty's reign, chaptered 4 is amended by adding thereto the words "and in any municipality the several parts of which are situated in two or more electoral districts."

1 Vict. c. 4,  
chedule  
amended.

(2) Forms 9 and 10 in the schedule to the said Act are amended by inserting after the word "districts" in the third line of the unnumbered paragraphs printed in italics and which immediately precede the clauses numbered 11 in each of the said forms, the words "and in any municipality the several parts of which are situated in two or more electoral districts."

Rev. Stat.  
c. 12, s. 28,  
amended

3.—(1) Section 28 of *The Act respecting the Legislative Assembly* is amended by inserting after the word "Speaker" in the second line of the said section the words "or the Speaker is absent from the Province."

Rev. Stat.  
c. 12, s. 35,  
amended.

(2) Section 35 of the said Act is amended by inserting after the word "Speaker" in the third line of the said section the words "or the Speaker is absent from the Province."

62 V. c. 11,  
s. 34 amended.

4. Section 34 of *The Act to amend the Statute Law* passed at the second session held in the 62nd year of Her Majesty's reign, chaptered 11 is amended by inserting after the word "exhibitions" where it occurs in the second line of paragraph 1a, in the second line of paragraph 2a, in the fifth line of paragraph 3a, and in the first line of paragraph 5a, respectively, the words "or for an enlargement of such site or for means of access thereto."

Expropriating  
lands for  
extension of  
fair grounds.

Names of  
Cheese and  
Butter Asso-

5. The names of The Cheese and Butter Association of Eastern Ontario and The Cheese and Butter Association of Western

Western Ontario are changed to and the said associations shall hereafter be respectively known as "The Dairymen's Association of Eastern Ontario" and "The Dairymen's Association of Western Ontario."

ciations  
changed.

6. Section 32 of *The Agriculture and Arts Act* is amended by striking out the name "The Cheese and Butter Association of Eastern Ontario" in the eighth line and substituting therefor the name "The Dairymen's Association of Eastern Ontario," and by striking out the name "The Cheese and Butter Association of Western Ontario" in the ninth line and substituting therefor the name "The Dairymen's Association of Western Ontario."

Rev. Stat.  
c. 43, s. 32  
amended.

7. Subsection 6 of section 39 of *The Judicature Act* is amended by adding thereto the following words "the date of the grant of the letters probate or the letters of administration shall be endorsed upon the copy of the order filed with the Surrogate Clerk."

Rev. Stat.  
c. 51, s. 39,  
subs. 6,  
amended.

8. Section 136 of *The Judicature Act* is amended by striking out the words "shall within one month next after their appointment" in the third and fourth lines thereof, and by substituting therefor the words "when required by the Lieutenant-Governor in Council."

Rev. Stat.  
c. 51, s. 136,  
amended.

9.—(1) Section 144 of *The Judicature Act* is amended by adding thereto the following subsection:—

Rev. Stat.  
c. 51, s. 144,  
amended.

3a. The Lieutenant-Governor in Council may commute the fees payable to a County Crown Attorney in any county in which there is a city having a population over 100,000 for a fixed annual sum, such sum not to exceed the average income derived from such fees during the preceding five years.

Commuta-  
tion of County  
Crown Attor-  
ney's fees.

10. Subsection 4 of section 144 of the said Act is amended by striking out the word "two" in the second line of the said subsection.

Rev. Stat.  
c. 51, s. 144,  
subs. 4.

11. Subsection 5 of section 5 of *The Local Courts Act* is amended by inserting after the word "Glengarry" at the end of the third line the words "Prescott and Russell."

Rev. Stat.  
c. 54, s. 5,  
subs. 5,  
amended.

12. Section 57 of *The County Courts Act*, is amended by adding thereto the following words: "Provided, however, that a judge of the High Court may extend the time hereinbefore limited for setting down the appeal where it is shewn that the appellant has been unable to procure the notes of the evidence given at the trial within the time so limited, or to have the pleadings and other papers in the cause certified, and this proviso shall be construed retroactively."

Rev. Stat.  
c. 55, s. 57,  
amended.

Appeals from  
county courts.

13. Section 11 of *The Evidence Act* is amended by inserting after the words "lunatic asylum" in the third line the words "or

Rev. Stat.  
c. 73, s. 11,  
amended.

"or



"or who in the opinion of the court or a judge is from unsoundness of intellect incapable of giving evidence."

Rev. Stat.  
c. 76, s. 6,  
amended.

**14.** Section 6 of *The Act respecting the Enforcement of Judges Orders in matters not in Court*, is amended by adding thereto the words "or unless special leave is granted by the said judge or by a judge of the Court of Appeal."

Rev. Stat.  
c. 106, s. 2,  
amended.  
Renewal of  
writs.

**15.**—(1) Section 2 of *The Act respecting Estreats* is hereby amended by striking out the word "one" where the same occurs in the seventh line of the said section and substituting the word "three" therefor; and by adding to the said section the following words "unless renewed in the manner provided in the case of other writs of execution."

(2) The said section is further amended by adding thereto the following subsections:—

(2) In any case in which a recognizance has been or shall hereafter be estreated, and has not been discharged or satisfied, the court or a judge shall have power at any time to order the issue of a new or alias writ of execution and *capias*, notwithstanding the fact that more than one year may have elapsed since the issue of the original writ.

(3) The provisions of this section shall so far as applicable, *mutatis mutandis*, apply to recognizances estreated and writs issued at any court of general sessions.

14 Geo. III.  
c. 78, (regula-  
tion of build-  
ings for pre-  
vention of  
fires) not in  
force in  
Ontario.

**16.** The provisions of the Statute passed in the 14th year of His Majesty King George the Third and chaptered 78 shall be deemed not to be in force in regard to property in this Province, and this section shall be deemed to have been in force since the 23rd day of April, 1887.

Rev. Stat.  
c. 127, s. 16,  
subs. 1,  
amended.

**17.** Sub-section 1 of section 16 of *The Devolution of Estates Act* is amended by striking out the words "and there are no debts" in the 10th line of the said sub-section.

Rev. Stat.  
c. 129,  
amended.

**18.**—(1) *The Trustee Act* is amended by adding the following section after section 28:—

When trustee  
may file  
accounts.

28a A trustee appointed by any deed, will or other instrument in writing desiring to pass the accounts of his dealings with the estate to which he is trustee may file his accounts in the office of the Surrogate Court of the county in which he or one of the trustees is resident or in the Surrogate Court of the county in which the trust estate or part of the same is situate, and thereupon the proceedings and practice upon the passing of the said accounts shall be the same and have the like effect as the passing of executors' or administrators' accounts in the Surrogate Court: provided, however, that in the case of trustees, under any will the accounts which may be so filed and passed shall be filed and passed in the office of the Surrogate Court by which probate of the will was granted.

(2)

(2) Section 40 of the said Act is hereby amended by inserting the words "or Surrogate Court Judge" after the word "Judge" in the seventh line thereof. Rev. Stat. c. 129, s. 40, amended.

**19.** Section 10 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following inserted in lieu thereof :— Rev. Stat. c. 148, s. 10, repealed.

10. The affidavit of *bona fides* required by sections 6, 7 and 8, may be made by one of two or more bargainees or mortgagees, and if such mortgage be made to an incorporated company the said affidavit may be made by the president, vice-president, manager, assistant manager, or other officer of the company duly authorized for such purpose, and if made by an agent or officer as herein provided the same shall state that such agent or officer is aware of all the circumstances connected with the sale or mortgage as the case may be. Affidavit of *bona fides*

**20.** Section 17 of *The Act respecting Master and Servant* is amended by striking out the words "not having his or their chief place of business within the Province" occurring in lines 2 and 3 of the said section. Rev. Stat. c. 157, s. 17, amended.

**21.** Section 7 of *The Married Woman's Real Estate Act* is repealed, and the following is substituted therefor :— Rev. Stat. c. 165, s. 7; repealed.

7. Every conveyance before the 1st July, 1884, executed by a married woman of or affecting her real estate, shall notwithstanding her husband did not join therein, be taken and adjudged to be, and to have been valid and effectual to have passed the estate which such conveyance professed to pass, of such married woman in the said real estate. Conveyance by married women before 1st July, 1884.

7a. Nothing in the preceding section shall render valid any such conveyance as aforesaid to the prejudice of any title subsequently to the execution of such conveyance and before the passing of this Act, acquired from the married woman by deed duly executed as by law required, unless the actual possession or enjoyment of the real estate conveyed or intended to be conveyed by the prior conveyance shall have been had at any time subsequent thereto by the grantee therein or those claiming, by, from or under him, and he or they shall have been in such actual possession or enjoyment continuously for the period of three years before the passing of this Act, and he or they was or were at such date in the actual possession or enjoyment thereof; and nothing in this Act contained shall render valid any conveyance from the married woman which was not executed in good faith, or any conveyance of land of which the married woman or those claiming under her is or are in the actual possession or enjoyment contrary to the terms of such conveyance, nor shall this section affect any litigation now pending. Saving as to titles acquired from married women subsequent to such conveyance.

**22.** Section 39 of *The Surveys Act* is amended by adding the following subsections thereto :— Rev. Stat. c. 181, s. 39, amended.

Allowance for road when closed to belong to adjoining owner.

Rev. Stat. c. 136, 138.

(4) Where under subsection 1 of this section any allowance for a road or street laid down upon a plan is a public highway but the municipal corporation has not assumed the same for public use, then, in case the said allowance or any part thereof is closed by an alteration of the plan under section 110 of *The Registry Act*, or section 111 of *The Land Titles Act*, or other provision in that behalf, the allowance so closed shall belong to the owners of the lands abutting thereon.

How owners of abutting lands to take.

(5) Where several parcels of land having different owners abut on the allowance so closed, the owner of each parcel shall be entitled to the portion of the allowance so closed on which his land abuts, and shall be so entitled to the middle line of the said allowance, and where there are several owners of an abutting parcel each shall be entitled to the like estate or interest in the said portion of the allowance as he has in the parcel of land abutting thereon.

When allowance abuts on one side on a stream, etc.

(6) Where any portion of the allowance so closed is abutted on one side by another road or street or by a stream, river or other body of water over which the public have rights of navigation or of floating logs the whole width of such portion shall belong to the owners whose lands abut thereon opposite the said street, stream, river or water.

Division line.

(7) The division line between two adjoining parcels produced to the middle line of the closed allowance or across such allowance in cases coming within subsection 6 shall be the division line between the portions of the closed allowance to which the owners of the said parcels shall be respectively entitled.

When incumbrancers to be deemed owners.

(8) A person who has an incumbrance on a parcel of land abutting on the allowance closed shall be deemed an owner of such parcel within the meaning of the four next preceding subsections.

Rev. Stat. c. 203, s. 76, sub. s. 7, amended.

**23.** Subsection 7 of section 74 of *The Ontario Insurance Act* is amended by inserting in the second line of the said subsection after the word "Registrar" these words, "or any official instrument or document issued by virtue of this Act, if".

Rev. Stat. c. 203, s. 85, sub. s. 3, amended.

**24.—**(1) Subsection 3 of section 85 of *The Ontario Insurance Act* is amended by inserting in the ninth line of the said subsection the word "to" between the words "deemed" and "offer."

Rev. Stat. c. 203, s. 90, sub. s. 3, amended.

**25.** Subsection 3 of section 90 of *The Ontario Insurance Act* is amended by striking out the word "companies" in the first line of the said subsection and by substituting therefor the word "corporations."

Rev. Stat. c. 203, s. 129, sub. s. 2, amended.

**26.** The proviso in subsection 2 of section 129 of *The Ontario Insurance Act* is repealed and the following substituted therefor:

"Provided,



"Provided, that non-payment of any of the fixed payments subsequent to the first shall forfeit the insurance if such fixed payment shall remain unpaid after thirty days' notice of the fixed payment due, or to become due, has been mailed to the person by whom the fixed payment is payable, directed to his post office address as given in his original application, or otherwise, in writing to the company."

**27.** Section 149 of *The Ontario Insurance Act* is amended by adding thereto the following subsection : Rev. Stat. c. 203, s. 149, amended.

"(6) This section shall apply not only to any future application for, or contract of, insurance, but also to any application heretofore taken and to any contract heretofore made."

**28.** Subsection 6 of section 159 of *The Ontario Insurance Act* is amended by striking out the words "as if this Act had not been passed," in the sixth and seventh lines of the said subsection, and by substituting therefor the words, "as in the case of a beneficiary not belonging to the preferred class." Provided that nothing in this section contained shall affect any action now pending. Rev. Stat. c. 203, s. 159, sub. s. 6, amended.

**29.** Subsection 9 of section 183 of *The Ontario Insurance Act* is amended by inserting in the ninth line, between the words "the" and "master," the words : "Court, Judge, or." Rev. Stat. c. 203, s. 183, sub. s. 9, amended.

**30.** Subsection 3 of section 189 of *The Ontario Insurance Act* is amended by striking out, in the twenty-first line of the said subsection, the words : "to a Judge of the High Court." Rev. Stat. c. 203, s. 189, sub. s. 3, amended.

**31.** Subsection 2 of section 194 of *The Ontario Insurance Act* is amended by inserting, in the sixth line of the said subsection after "bill of costs," the words : "in any action, appeal, proceeding or matter;" and the said subsection is further amended by adding at the end thereof the words : "and the taxation of the account or bill of costs shall not be proceeded with until proof has been given to the taxing officer that the provisions of this subsection have been complied with." Rev. Stat. c. 203, s. 194, sub. s. 2, amended.

**32.** Subsection 3 of section 195 of *The Ontario Insurance Act* is amended by inserting, in the fourth line, after the words "Supreme Court," the words : "of Judicature for Ontario." Rev. Stat. c. 203, s. 195, sub. s. 3, amended.

**33.**—(1) Where a highway forms the boundary line between municipalities situate in any of the Districts of Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay and Rainy River it shall be maintained by the respective townships bordering on the same, and all bridges upon such highway shall be maintained in like manner. Maintenance of boundary line of the districts.

Councils may make agreements for maintenance, etc., of highways and bridges.

(2) The councils of the respective municipalities adjoining such highway may enter into an agreement for the maintenance and repair of such highway and bridges whereby each of such municipalities may undertake for a term of years, not to exceed ten years, to maintain and keep in repair any portion of such road for its whole width.

Where no agreement, etc., to be determined by arbitration.

(3) In case no agreement has been entered into under the preceding subsection, or in case the term fixed by such agreement for the duration thereof has expired, the portion of such highway to be maintained for its whole width by each of the municipalities between which the highway forms the boundary line may be determined by arbitration under the provisions of *The Municipal Act* with respect to arbitrations at the instance of either of the municipalities adjoining such highway; every agreement or award made under the provisions of this section shall, within one month after the passing or making thereof, be registered in the Registry Office of the District in which such municipalities are situated, and after the registration of such agreement or award the municipal corporations named therein shall each have sole jurisdiction over that portion of the highway which it has undertaken or has been directed to maintain and keep in repair, and shall be liable for all damages incurred by reason of neglect to maintain and keep the same in repair in the same manner and to the same extent as in the case of any highway lying wholly within and under the jurisdiction of such municipality.

Agreements and awards to be registered.

Municipalities liable for damages when no agreement or award.

(4) In case no agreement is entered into, and no award is made under the provisions of this section, the municipalities between which such highway forms a boundary shall be jointly and severally liable for all damages incurred by reason of neglect to maintain and keep the same in repair.

61 Vict., c. 23, s. 21, ss. 1 amended.

**34.**— (1) Subsection 1 of section 21 of *The Municipal Amendment Act, 1898*, is amended by inserting after the word “debentures” in the 10th line the words “and for the purpose of paying the interest on the said debenture debt,” and by striking out the word “five” in the eleventh and fourteenth lines and inserting the word “six” in lieu thereof, and by inserting after the word “debenture” in the fourteenth line the words “and pay the interest on the debenture debt.”

61 V. c. 33, s. 21, ss. 4, amended.

(2) Subsection 4 of the said section is amended by striking out the word “three” at the end of the first line of the said subsection and inserting the word “four” in lieu thereof.

Rev. Stat. c. 235, s. 29, amended.

**35.** Section 29 of *The Municipal Water Works Act* is amended by inserting the words “or to builders” after the word “manufactory” in the 9th line thereof.”

Rev. Stat. c. 317, s. 37, amended.

**36.** Section 37 of *The Act respecting Public Lunatic Asylums and the Custody of Insane Persons* is amended by adding

adding the following words after the word "made" in the second line thereof, "including a fee of \$5 to the judge, or justice of the peace acting at the request of the judge, for each certificate."

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## CHAPTER 18

### An Act amending The Trustee Investment Act.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 2 of *The Trustee Investment Act* is hereby amended by inserting after the words "or of this Province" in the fifth line thereof the words or of any of the other Provinces of Canada or in debentures or securities the payment of which is guaranteed by the Government of the Dominion of Canada or of this Province or of any of the other Provinces of Canada or in the debentures of any municipality in this Province." Rev. Stat. c. 130, s 2, subs. 1, amended.

2. No executor, administrator or trustee shall be liable for breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorized by the instrument of trust or by the general law; and this provision shall apply to cases arising either before or after the passing of this Act. Liability in case of change of character of investment. Imp. Act 57 V. c. 10, s. 4.



## CHAPTER 19

## An Act to amend The Registry Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 136, s. 29,  
sub-s. 3,  
amended.

62 V. (2) c. 16,  
s. 1, amended.

1. Sub-section 3 of section 29 of *The Registry Act* (added by section 1 of the Act passed in the 62nd year of Her Majesty's reign, chapter 16) is amended by inserting the words "and also certificates of amalgamation of loan corporations" after the word "description" and before the word "and" in the fifth line of the said sub-section 3.

62 V. (2) c. 16,  
s. 1, amended.

2. The said sub-section 3 of section 29 is further amended by adding thereto the following additional clauses:

"Instrument"  
to include  
caution regis-  
tered under  
Rev. Stat.  
c. 127.

(a) For the removal of doubts, it is hereby declared that the word "instrument" in this sub-section includes a caution or renewal of caution under "*The Devolution of Estates Act*," and where any such caution or renewal does not contain a local description of the lands it shall not be registered unless it has attached to it a statutory declaration as aforesaid.

Instruments  
affecting lands  
without local  
description.

(b) Where an instrument affecting lands without local description is, under this sub-section, registered in the separate registry books, it may be further registered and entered therein so as to affect other lands by local description, by the registration of a statutory declaration in the form of schedule R hereto or to the like effect, to be made by any of the persons in this sub-section mentioned.

Registration  
of instruments  
in general  
register and  
separate regis-  
try books.

(c) Where an instrument has been or is registered in the General Register, particulars thereof may be registered in the separate registry books by the registration of a like statutory declaration in the form of schedule R or to the like effect.

Registration  
of statutory  
declaration  
as to lands  
affected.

(d) Such last-mentioned statutory declaration (form R) shall be registered in the proper registry books, and particulars thereof entered in the abstract index and in all other books in the same manner as upon the registration of an instrument which affects lands by local description; the fee for registration thereof shall be the same as the fee for the registration of a certificate of discharge of mortgage.

Who may  
make declara-  
tion for a  
corporation.

(e) Any statutory declaration in this sub-section mentioned may, where one of the parties to an instrument is a corpora-  
tion

tion, be made by one of the officers thereof, or where one of the parties entitled to make a declaration hereunder is absent from the Province, the declaration may be made by his solicitor.

3. The said section 29 is further amended by adding thereto the following sub-section.

Rev. Stat.  
c. 136, s. 29,  
amended.

(4) The word "certificate" and the phrase "certificates of amalgamation of loan corporations" in sub-sections 3 and 4 of this section shall for the purpose of this Act include a certified copy of the certificate of assent and declaration referred to in section 45 of *The Loan Corporations Act* (whether such certificate or certified copy has been heretofore issued or shall hereafter be issued) and also a certified copy of any document or documents in such certificate mentioned, and any certificate to be issued for registration purposes under any special Act of the Legislature of Ontario to authorize or ratify any agreement for the purchase and sale of the assets of, or for the amalgamation of loan corporations.

"Certificate,"  
etc., meaning  
of.

(a) Such certificate may be under the hand of the Registrar of Loan Corporations, and every such certificate purporting to be under his hand, together with a certified copy of any document or documents, if any, in the said certificate mentioned, shall be received and registered in the general register by the registrar of any registry division to whom the same is tendered for registration, upon payment of a fee of four dollars in full for such inclusive registration.

Certificate of  
Registrar of  
Loan Corporations.

(b) In dealing with the assets of the corporation selling or of the corporation or corporations merged or amalgamated it shall be sufficient if the corporation which has acquired the assets in any discharge or assignment of mortgage or any conveyance or other instrument intended for registration, recites or mentions therein the assent of the Lieutenant-Governor in Council to such acquisition, with the date of the said assent, the date of the registration of the certificate thereof in the registry division within which the lands affected are situated, and the registration number; or where the agreement for sale or amalgamation has been authorized or ratified by special Act of the Legislature, it shall be sufficient if the corporation which has acquired such assets in such discharge of mortgage or other instrument recites or mentions the title of the Act and the chapter and statute year in the which the Act was passed. Upon registration of the instrument the registrar shall enter in the abstract index the aforesaid particulars recited or mentioned in the instrument.

Recital of  
assent of  
Lieutenant-  
Governor in  
Council to sale  
or amalgama-  
tion.

(c) The word "reference" in connection with a search under sub-section 2 of section 118 of *The Registry Act* shall include a search of or reference to a copy of a certificate of amalgamation of loan corporations hereafter registered in the general register.

"Reference"  
to include  
search or refer-  
ence as to  
certificate of  
amalgamation.

Rev. Stat. c.  
136, s. 51,  
amended.

4. Section 51 of *The Registry Act* is amended by inserting after the word "secretary" therein the words "manager or attorney."

Rev. Stat. c.  
136, s. 62,  
subs. 2, (62 V.  
(2) c. 16, s. 5)  
amended.

5. Sub-section 2 of section 62 of the said Act (added by section 5 of the Act passed at the 2nd Session held in the 62nd year of Her Majesty's reign, chaptered 16) is amended by inserting between the words "Company" and "provided" therein the words "of Canada, the Scottish Ontario and Manitoba Land Company, the North British Canadian Investment Company, the North of Scotland Canadian Mortgage Company, Limited, or the Scottish American Investment Company."

Rev. Stat. c.  
136, s. 72,  
subs. 4, (62 V.  
(2) c. 16, s. 6)  
amended.

6. Sub-section 4 of section 72 of *The Registry Act* (added by section 6 of the said Act passed in the 62nd year of Her Majesty's reign) is amended by inserting therein after the word "service" in the sixth line thereof the words "or where service of such notice has been or is duly admitted."

Rev. Stat. c.  
136, s. 72,  
subs. 4, (62 V.  
(2) c. 16, s. 6)  
amended.

7. The said sub-section 4 of section 72 is further amended by adding thereto the following clause:

Where notice  
of sale lost  
and cannot be  
produced.

(a) Where such notice of sale is lost or cannot be produced to be registered, any person who is or who claims to be interested in the registration of any conveyance of land under the power of sale in a mortgage may make proof before the judge of any County Court of the service of the notice and of the loss of or inability to produce the same and upon production of a certificate of such judge to the effect that, from the proof produced by (naming the person producing the proof and stating the evidence given), he is satisfied of the due service of the notice upon (naming the person or persons served) and that the same is lost or cannot be produced such certificate to be endorsed on or attached to the conveyance and signed by the judge—the registrar shall register the conveyance and certificate, the execution of the conveyance being proved as required by this Act, and a copy of such certificate under the hand and seal of the registrar shall, in all cases, be received as prima facie evidence of the facts therein stated. Where a notice of sale has been registered in a Registry office the same may be registered in any other office on production of a copy certified in the manner provided by the said Act with regard to powers of Attorney and such certified copy shall be attached to the conveyance as herein provided with regard to a Judge's certificate.

Rev. Stat.  
c. 136, s. 72,  
subs. 5, (62 V.  
(2) c. 16, s. 6)  
amended.

8. Sub-section 5 of the said section 72 of *The Registry Act* (added by section 6 of the said Act passed in the 62nd year of Her Majesty's reign) is amended by adding thereto the following words:

"Provided this sub-section shall not apply to any conveyance of lands purporting to have been made before, or in pursuance of any sale effected before the 1st day of January, 1900.



## SCHEDULE R.

*Statutory Declaration.*

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ County  
of \_\_\_\_\_ do solemnly declare that—

1. I am a party (or as the case may be) to an instrument affecting lands without local description, registered in the Registry Office for the County of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_\_\_, at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock \_\_\_\_\_ noon, in Liber \_\_\_\_\_, as number \_\_\_\_\_.

2. The said instrument affects the lands within the said County herein-after described, that is to say (here give a local description of the lands sufficient for the purposes of registering an instrument in the separate Registry Books under the Act.)

And I make this solemn declaration, etc.

## CHAPTER 20

## An Act to amend the Act respecting the Law Society of Upper Canada.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Act respecting the Law Society of Upper Canada*, is hereby amended by inserting therein after the end of the seventh line thereof the words, "every person who has for seven consecutive years held the office of Treasurer of the said Society."

Rev. Stat.  
c. 172, s. 4  
amended.

Treasurer for  
seven years to  
be *ex-officio*  
bencher.

2. The Society may by rule or by-law abolish Terms and may by rules fix, and from time to time alter and change the dates for the doing of any act, or the giving any notice which by the said Act is to be done in or with reference to any Term or Terms, and upon the passing of any rule or rules providing dates and times for or in connection with the matters and things legislated upon by sections 6, 17, 27, 28, 29, 30, 31, 33 and 53, or any other section of the said Act, the dates and times so fixed by rule and from time to time altered or changed by any subsequent rule or rules shall prevail, notwithstanding the provisions of the said several sections: Provided that no such rules shall have the effect of prolonging the term of office of any elected Bencher.

By-laws for  
abolition of  
Terms and  
changing dates  
for doing acts  
or giving  
notices.

Proviso.

## CHAPTER 21

## An Act to amend The Pharmacy Act.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Rev. Stat.  
c. 179, s. 9,  
amended.

Half yearly  
meetings of  
council.

Rev. Stat.  
c. 179, s. 13  
repealed.

Matriculation,  
requirements  
as to.

1. Section 9 of *The Pharmacy Act* is hereby amended by striking out the word "Tuesday" wherever it appears therein and by inserting in lieu thereof the word "Monday."

2.—(1) Section 13 of the said Act is hereby repealed and the following section is substituted therefor :

(13)—(1) Every person who may be desirous of becoming apprenticed to a regularly qualified Pharmaceutical Chemist shall, before the term of his apprenticeship begins, send to the Registrar of the College the sum of \$1 together with a certificate of the Education Department of Ontario, the President or Principal of any University or College within the Province, or other evidence satisfactory to the Council, showing that the applicant had previously passed an examination as required for university matriculation on the following subjects—arithmetic, algebra, history of Great Britain and Canada, English grammar, composition and Latin.

Power to  
change cur-  
riculum as to  
matriculation.

(2) The Council of the College shall have power to make such changes in the subjects referred to in the last preceding sub-section as they may deem necessary from time to time in order to comply with the requirements of the Education Department of Ontario with reference to university matriculation.

Exception as  
to application  
of section.

(3) This section shall not apply to matriculants in arts or medicine in any British or Colonial University, or College, or the holders of senior leaving or junior leaving certificates issued by the Education Department of Ontario, or to persons who produce evidence of having passed an examination at least equal in point of standard to that of the latter.

When section  
to come into  
force.

(4) This section shall not come into force until the first day of January, in the year of our Lord, 1901.

## CHAPTER 22

## An Act to amend The Act respecting Land Surveyors.

*Assented to 30th April, 1900.*

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Ontario Land Surveyors' Act* is amended by inserting after the word "engineering," at the end of the fifth line thereof the words, "or the School of Mining, Kingston, in civil engineering or in mining engineering." Rev. Stat.  
c. 180, s. 28  
amended.  
Shortened  
term of ap-  
prenticeship.

## CHAPTER 23

## An Act to amend The Ontario Companies Act.

*Assented to 30th April, 1900.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Sub-section (a) of section 10 of *The Ontario Companies Act* is amended by adding thereto the following proviso: "And further provided that the name of a company which has not made for three consecutive years the annual summary and statement of its affairs prescribed by this Act, may be given in whole or in part to a new company, unless the defaulting company, after notice by the Provincial Secretary, shows to the satisfaction of the Lieutenant-Governor in Council that it is still a valid and subsisting corporation and entitled to the sole use of its corporate name." Rev. Stat.  
c. 191, s. 10,  
amended.  
Name of  
defaulting  
company may  
be given to a  
new company.

2. Section 22 of the said Act is hereby amended by adding thereto the following sub-sections:—

(6)

Rev. Stat.  
c. 191, s. 22,  
amended.



Cancellation  
of preference  
stock.

6. The directors of a company which has heretofore issued or may hereafter issue preference stock may, for the purposes of cancelling such preference-stock or parts thereof, from time to time, pass by-laws providing for the purchase or acquisition by the company of such stock or parts thereof with the consent of the holders, and for the cancellation of the stock so purchased or acquired, and for the reduction *pro rata* according to the amount of stock so cancelled of any reserve set apart, or required to be set apart, in respect of such preference-stock, but no such by-law shall be valid or acted upon unless and until the same has been sanctioned by a vote of at least two-thirds in value of the shareholders of the company present in person, or represented by proxy, at a special general meeting duly called for considering the same, and unless and until such by-law has been confirmed by supplementary letters patent.

Supplement-  
ary letters  
patent to con-  
firm cancella-  
tion.

7. At any time not more than three months after the sanction of such by-law by the shareholders as aforesaid, the company may petition the Lieutenant-Governor in Council, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same. With the petition, the company shall produce the by-law and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by him to report thereon, the due passage and sanction of the by-law and the *bona fide* character of the same, and thereupon the Lieutenant-Governor in Council may by supplementary letters patent confirm the by-law, and may, with the consent of the Board of Directors of the Company, by the supplementary letters patent add such terms and conditions thereto as to him may seem proper, and thereupon from the date of the supplementary letters patent the by-law with such added terms and conditions, if any, shall be valid and may be acted upon. Notice of the issue of supplementary letters patent shall be given by the Provincial Secretary in the *Gazette*.

Rev. Stat.  
c. 191, s. 23;  
61 V. c. 19,  
ss. 2-4; 62 V.  
(2), c. 11, ss. 19,  
20, repealed.

3. Section 23 of *The Ontario Companies Act* as amended by the Act passed in the sixty-first year of Her Majesty's reign, chapter 19, and sections 19 and 20 of the Act passed in the sixty-second year of Her Majesty's reign, chapter 11, are repealed, and the following section is inserted in *The Companies Act* in lieu thereof.

Use of word  
"Limited"  
in signs on  
offices.

(1) Wherever any office or place in which business of the company is carried on is indicated by any sign, name or other means on the outside thereof as being a place of business of the company, the company shall keep in a conspicuous place on such outside, in letters easily legible, the name of the company, with the word "Limited" as the last word of, or as the first word after, such name, and the name of the company, with the word "Limited" as the last word of, or the first word after, such name, shall appear in a conspicuous position, and in letters easily legible,—

Use of word  
"Limited"  
in other  
places.

- (a) On its corporate seal ;
- (b) In all advertisements and other official publications of the company ;
- (c) In all bills of parcels or invoices of the company ;
- (d) In all written contracts and undertakings of the company ;
- (e) In the company's signature to any bill of exchange, promissory note, endorsement cheque, order for money or goods.

(2) It shall be the duty of the director, manager, officer or other employe of the company who—

- (a) Publishes or causes to be published any such advertisement or other official publication ;
- (b) Makes out or causes to be made out any such bill of parcels or invoice ;
- (c) Makes on behalf of the company any such written contract or undertaking ; or
- (d) Signs in the name of the company any such bill of exchange, promissory note, endorsement, cheque, order for money or goods—

to comply with the foregoing provisions of this section. Pro- Proviso.  
 Provided that where the word "Company," "Club," "Association" or other equivalent word forms part of the company's corporate name the word "Limited" need not appear in full, but an abbreviation thereof, of which the letters "l" and "d" shall be the first and last letters, shall be sufficient. Proviso.  
 Also that where the word "Company," "Club," "Association" or other equivalent word does not form part of the corporate name the word "Limited" shall appear in full and in letters of substantially the same size as the letters in the rest of such name. Proviso.  
 Provided further that stamping, writing, printing or otherwise marking upon goods, wares and merchandise of the company, or upon packages containing the same, shall not be deemed an advertisement within the meaning of this section.

(3) Every company and every director, manager, officer or other employee making default in complying with the foregoing provisions of this section shall incur a penalty not exceeding ten dollars for each and every offence. Penalty.  
 Provided that after having been convicted of an offence under this section the offender upon a subsequent conviction for an offence under this section shall incur a penalty not exceeding one hundred dollars. Proviso.

(4) This section shall not apply to any company not having gain for its purpose or object where such company by its charter of incorporation is declared to be exempt from the provisions thereof or to any company not having gain for its purpose or object which, on proof thereof being shown to the Lieutenant-Governor in Council is of, from and after the date to be set forth in the order of the Lieutenant-Governor in Council in that behalf declared to be exempt. Not to apply where company has not gain for its object.

Limitations of prosecutions.

(5) The prosecution or proceeding to recover a penalty for an offence against the foregoing provisions of this section shall be commenced within six months after the offence has been committed and not afterwards.

Remission of penalties heretofore incurred.

(6) All liabilities and penalties heretofore incurred by any company or director, manager, officer or other employe of any company for breach or non-observance of any provision of any statute relating to the use of the word "Limited" or any abbreviation thereof are hereby released and discharged.

Proviso.

Provided, however, that this sub-section shall not apply to any action or other proceeding in which judgment has hitherto been rendered. Provided also that in any pending action or other proceeding the Court in or before which the same is pending may make such order as to costs as to such Court may seem just.

Rev. Stat. c. 191, s. 79, subs. 6, amended.

4. Sub-section 6 of section 79, of *The Ontario Companies Act* is hereby amended by striking out the words "at the proper time out of this Province or otherwise" in the third and fourth line thereof.

Rev. Stat. c. 191, s. 95, amended.

5. Section 95 of the said Act is hereby amended by adding thereto the following sub-section :

Fees on fying returns, etc,

(4) The company shall for the following services pay to the Provincial Secretary the following fees upon tendering or transmitting to him any return, by-law or other document required by this Act or by any Act incorporated herewith to be filed with the Provincial Secretary and in the Schedule mentioned, and no tender or transmission of such return, by-law or other document shall be deemed to be a due compliance with these provisions unless and until the prescribed fee for receiving and filing the same has been paid to and has been accepted by the Provincial Secretary.

1. Fying the annual statement required of a company having a capital stock of \$50,000 or under ..... \$2 00
2. Fying the annual statement of a company having a capital stock exceeding \$50,000 but not exceeding \$100,000 ..... 3 00
3. Fying the annual statement of a company having a capital stock exceeding \$100,000 .... 5 00
4. Fying by-law for sale of mining company's stock at a discount..... 5 00
5. Fying by-law increasing or decreasing number of directors, or changing company's chief place of business ..... 2 00
6. Fying any other by-law or document..... 2 00



## CHAPTER 24

## An Act respecting the licensing of Extra Provincial Corporations.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In this Act the expression “Extra Provincial Corporation” means a corporation created otherwise than by or under the authority of an Act of the Legislature of Ontario. Extra Provincial corporation, meaning of.

2. Extra Provincial Corporations of the classes mentioned in this section are not required to take out a license under this Act, viz., corporations created by or under the authority of— Corporations which do not require license.

Class I. An Act of the Legislature of the late Province of Upper Canada, or by Royal Charter of the Government of that Province ;

Class II. An Act of the Legislature of the late Province of Canada, or by Royal Charter of the Government of that Province, and carrying on business in Ontario at the date of the commencement of this Act ;

Class III. Corporations which have before the commencement of this Act received from the Government of Ontario a license to carry on business in Ontario, or which have been authorized by Act of the Legislature of Ontario to carry on business in Ontario, provided that such license or Act is in force at the date of the commencement of this Act ;

Class IV. Corporations now or hereafter licensed or registered under the provisions of *The Ontario Insurance Act* or of *The Loan Corporations Act*. Rev. Stat. cc. 203, 205.

Class V. Corporations liable to payment of taxes imposed by chapter 8 of the Ontario Statutes for 1899, intituled *An Act to supplement the revenues of the Crown in the Province of Ontario* ;

Class VI. Corporations not having gain for any of their objects.

3. Extra Provincial Corporations of the classes mentioned in this section are required to take out a license under this Act, viz., Corporations (other than those mentioned in section 2) created by or under the authority of— Corporations which require license.

Class

Class VII. An Act of the Legislature of the late Province of Canada, or by Royal Charter of the Government of that Province, authorized to carry on business in Upper Canada, but not carrying on business in Ontario at the date of the commencement of this Act ;

Class VIII. An Act of the Dominion of Canada, and authorized to carry on business in Ontario :

Class IX. Corporations not coming within any of the foregoing classes.

Right to  
license when  
within VII  
or VIII.

4. A corporation coming within class VII or VIII shall, upon complying with the provisions of this Act and the regulations made hereunder, receive a license to carry on its business and exercise its powers in Ontario.

Right to  
license when  
within IX.

5. A corporation coming within class IX may, upon complying with the provisions of this Act and the regulations made hereunder, receive a license to carry on the whole or such parts of its business and exercise the whole or such parts of its powers in Ontario as may be embraced in the license ; subject however to such limitations and conditions as may be specified therein.

Carrying on  
business with-  
out license  
prohibited.

6. No Extra Provincial Corporation coming within class VII or VIII or IX shall carry on within Ontario any of its business unless and until a license under this Act so to do has been granted to it, and unless such license is in force ; and no company, firm, broker, agent or other person shall, as the representative or agent of or acting in any other capacity for any such Extra Provincial Corporation, carry on any of its business in Ontario unless and until such corporation has received such license and unless such license is in force.

Proviso.

Provided that taking orders for or buying or selling goods, wares and merchandise by travellers or by correspondence, if the corporation has no resident agent or representative and no office or place of business in Ontario, shall not be deemed a carrying on of business within the meaning of this Act.

Proviso.

Provided further that this section shall not apply until the first day of November, A.D. 1900, to any such corporation which at the date of the commencement of this Act is carrying on business in Ontario.

Proviso.

Provided also that the onus of proving that a corporation has no resident agent or representative and no office or place of business in Ontario, or that it was at the date of the commencement of this Act carrying on business in Ontario, shall in any prosecution for an offence against this section rest upon the accused.

Application  
for license.

7. An Extra Provincial Corporation coming within class VII or VIII or IX may apply to the Lieutenant-Governor in Council for a license to carry on its business or part thereof, and exercise

exercise its powers or part thereof, in Ontario; and upon the granting of such license such corporation may thereafter while such license is in force carry on in Ontario the whole or such parts of its business and exercise in Ontario the whole or such parts of its powers as may be embraced in the license; subject however to the provisions of this Act and to such limitations and conditions as may be specified in the license.

8. The Lieutenant-Governor in Council may from time to time make regulations respecting the following matters, namely:—

*Regulations  
by Order-in-  
Council.*

- (a) The evidence required, upon the application for a license under this Act, respecting the creation of the corporation applying and its powers and objects and its existence as a valid and subsisting corporation;
- (b) The appointment and continuance by the corporation of a person or company as its representative in Ontario on whom service of process, notices or other proceedings may be made, and the powers to be conferred on such representative;
- (c) The forms of licenses, powers of attorney, applications, notices, statements, returns and other documents relating to applications and other proceedings under this Act;

and such regulations shall be published in the **ONTARIO GAZETTE**.

The Lieutenant-Governor in Council may make orders with respect to particular cases where the general regulations may not be applicable or where they would cause unnecessary inconvenience or delay.

*Special  
Orders-in  
Council.*

9. Upon the application for a license the applicant shall establish to the satisfaction of the Provincial Secretary, or such other officer as may be charged by him to report thereon, that the provisions of this Act and the regulations made hereunder have been complied with; and the Provincial Secretary, the Assistant Provincial Secretary or such other officer may for the purposes aforesaid, or for any other purpose under this Act, take any requisite evidence in writing under oath or affirmation.

*Proof to be  
furnished on  
application  
for license.*

Proof of any matter which may be necessary to be made under this Act may be made by statutory declaration or by affidavit or by deposition before the Provincial Secretary or Assistant Provincial Secretary or other officer as aforesaid, or before any Justice of the Peace or Commissioner for taking Affidavits or Notary Public, who for this purpose are hereby authorized and empowered to administer oaths or to take affirmations.

Or if made outside of Ontario may be made before any person authorized to take affidavits under the *Registry Act*.



Dealing with  
real estate.

**10.** A corporation receiving a license under this Act may, subject to the limitations and conditions of the license, and subject to the provisions of its own charter, Act of Incorporation or other creating instrument, acquire, hold, mortgage, alienate and otherwise dispose of real estate in Ontario and any interest therein to the same extent and for the same purposes and subject to the same conditions and limitations as if such corporation had been incorporated under *The Ontario Companies Act* with power to carry on the business and exercise the powers embraced in the license.

Notice of  
granting  
license.

**11.** Notice of the granting of a license under this Act shall be given by the Provincial Secretary in the *ONTARIO GAZETTE*, and a copy of such *GAZETTE* containing such notice shall be *prima facie* evidence, in all proceedings by and against the corporation and otherwise under this Act or otherwise, of the granting of the license and of the terms thereof mentioned in the notice; and a copy of the license certified by the Provincial Secretary or Assistant Provincial Secretary shall be sufficient evidence of the license before all courts and tribunals.

Returns to be  
made by  
licensees.

**12.** A corporation receiving a license under this Act shall on or before the eighth day of February in every year during the continuance of the license, make and transmit to the Provincial Secretary a statement under oath and according to a form approved of by the Lieutenant-Governor in Council, containing information similar to that required under section 79 of *The Ontario Companies Act*, or so much thereof or such additional information as may be prescribed in such form, and the Lieutenant-Governor in Council may at any time require the corporation to supply such further and other information as shall seem to him to be reasonable and proper.

Suspension,  
cancellation  
or restoration  
of license  
after default  
of licensee.

**13.** If a corporation receiving a license under this Act makes default in observing or complying with the limitations and conditions of such license or the provisions of section 12 of this Act, or the regulations respecting the appointment and continuance of a representative in Ontario, the Lieutenant-Governor in Council may suspend or revoke such license in whole or in part, and may remove such suspension or cancel such revocation and restore such license.

Notice.

Notice of such suspension, revocation, removal or restoration shall be given by the Provincial Secretary in the *ONTARIO GAZETTE*.

Penalty for  
carrying on  
business with-  
out a license.

**14.** If any Extra Provincial Corporation coming within class VII or VIII or IX shall contrary to the provisions of section 6 hereof, carry on in Ontario any part of its business, such corporation shall incur a penalty of fifty dollars for every day upon which it so carries on business; and so long as it remains unlicensed under this Act it shall not be capable of maintaining any action, suit or other proceeding in any Court  
in

in Ontario in respect of any contract made in whole or in part within Ontario in the course of or in connection with business carried on contrary to the provisions of said section 6.

Provided however that upon the granting or restoration of the license, or the removal of any suspension thereof, such action, suit or other proceeding may be maintained as if such license had been granted or restored or such suspension had been removed before the institution thereof. Proviso

**15.** If any company, firm, broker, agent or other person shall, contrary to the provisions of section 6 hereof, as the representative or agent of or acting in any other capacity for an Extra Provincial Corporation, carry on any of its business in Ontario, such company, firm, broker, agent or other person shall incur a penalty of twenty dollars for every day upon which it, he or they so carry on such business. Penalty for agent of unlicensed corporation carrying on business.

**16.** The Lieutenant-Governor in Council may when or after granting a license remit in whole or in part any penalty incurred under this Act by the corporation receiving the license or by any representative or agent thereof, and may also remit in whole or part the costs of any action or proceeding commenced for the recovery of any such penalty, and thereupon the whole or such part of the costs, as the case may be, shall not be recoverable. Power to remit penalties or costs.

**17.** The penalties imposed by this Act shall be recoverable only by action at the suit of or brought with the written consent of the Attorney General of Ontario, and any action or proceeding to recover any such penalty shall be commenced within six months after the liability for such penalty has been incurred, and not afterwards. Penalties, how recoverable.

**18.** For a license to a corporation coming within class VII. or VIII. such corporation shall pay to Her Majesty for the public uses of Ontario the fee mentioned in schedule A hereto, and for a license to a corporation coming within class IX. such corporation shall pay to Her Majesty for the public uses of Ontario the fee mentioned in the first part of schedule B hereto, and no license shall be issued until the fee therefor is paid. Fees on licenses and returns.

Provided that with respect to a company carrying on business in Ontario when this Act is passed and carrying on also an established business outside of Ontario, the Lieutenant-Governor in Council may reduce the fee payable for its license to such sum as he may think just, having regard to the nature and importance of its business in Ontario and the amount of capital used therein. Proviso.

Provided also that with respect to a company not carrying on business in Ontario when this Act is passed, but carrying on outside of Ontario an established business, when applying for a license under this Act, the Lieutenant-Governor in Council may reduce the fee payable for such license to such sum Proviso.

sum as he may think just, having regard to the nature and importance of the business proposed to be carried on in Ontario and the amount of capital proposed to be used therein, but in any case under either of these provisos the fees shall not be less than the fees set out in the second part of the said schedule B. A company seeking a reduction under this section shall give to the Provincial Secretary such statements and information respecting its business and financial position as he may call for, and shall verify the same in such manner as he may require.

Fees to be paid by companies on filing statements.

There shall be paid to Her Majesty for the public uses of Ontario upon transmitting to the Provincial Secretary the statement required by section 12 hereof the fee of five dollars if the capital stock of the company does not exceed the sum of one hundred thousand dollars and a fee of ten dollars if the capital stock of the company exceeds the said sum of one hundred thousand dollars, and until such fee has been paid such statement shall be deemed not to have been made and transmitted as required by said section.

Granting license as to real estate to other corporations.

19. An extra provincial corporation which is not required by this Act to take out a license may apply for and receive a license authorizing it, subject to the limitations and conditions of the license, and subject to the provisions of its own charter, Act of incorporation or other creating instrument, to acquire, hold, mortgage, alienate and otherwise dispose of real estate in Ontario and any interest therein to the same extent and for the same purposes and subject to the same conditions and limitations as if such corporation had been incorporated under *The Ontario Companies Act* with power to carry on the business or exercise the powers embraced in the license. For such license there shall be paid to Her Majesty for the public uses of Ontario such fee as the Lieutenant-Governor may prescribe, and compliance with section 12 hereof may be dispensed with by the Lieutenant-Governor in whole or in part.

Annual return as to licenses issued.

20. A statement showing the licenses issued under this Act during the preceding calendar year and the authorized capital stocks of the companies licensed and the fee paid for each license shall be laid before the Legislature at each session thereof.

Notice of passing of Act.

21. Notice of the passing of this Act in such form and with such particulars thereof as the Provincial Secretary may think proper shall be published by him in the *ONTARIO GAZETTE* and in the *CANADA GAZETTE*, and in the official gazette or other official publication of each Province of Canada, for such time as to him may seem best.

Commencement of Act.  
Repeal of Rev. Stat. c. 191, s. 127.

22. This Act shall commence and take effect on and after the first day of July, A.D. 1900, and on and after that day section 107 of *The Ontario Companies Act* shall be and the same is hereby repealed.



## SCHEDULE A.

## FEES FOR LICENSES TO CORPORATIONS COMING WITHIN CLASS VII. OR VIII.

If the capital stock of the company does not exceed the sum of one hundred thousand dollars, the fee to be twenty-five dollars.

If the capital stock of the company exceeds the said sum of one hundred thousand dollars, the fee to be fifty dollars.

## SCHEDULE B.

## FEES FOR LICENSES TO CORPORATIONS COMING WITHIN CLASS IX.

*(First part.)*

Subject to the provision in section 18 the fees payable shall be the same as the fees now payable upon the incorporation of a company by letters patent under *The Ontario Companies Act*, viz. :—

When the proposed capital of the applicant Company is \$40,000 or less, the fee to be \$100.

When it is more than \$40,000, but does not exceed \$100,000, the fee to be \$100 and \$1 for every \$1,000 or fractional part thereof in excess of \$40,000.

When it is over \$100,000, but does not exceed \$1,000,000, the fee to be \$160 and \$2.50 for every \$10,000 or fractional part thereof in excess of \$100,000.

When it is \$1,000,000, the fee to be \$385 and \$2.50 for every \$10,000 or fractional part thereof in excess of \$1,000,000.

*(Second part.)*

If the capital stock of the company does not exceed the sum of one hundred thousand dollars, the fee to be fifty dollars.

If the capital stock of the company exceeds the said sum of one hundred thousand dollars, the fee to be one hundred dollars.

## CHAPTER 25

## An Act to amend The Act respecting Cheese and Butter Manufacturing Associations and Companies.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
s. 201, s. 17,  
subs. 1,  
amended.

1. Subsection 1 of section 17 of *The Act respecting Cheese and Butter Manufacturing Associations and Companies* is repealed and the following substituted therefor:

Powers of  
associations  
as to lands.

“Every association incorporated under this Act shall have power to purchase or lease lands or buildings necessary for carrying on its business, and to sell or otherwise dispose of the same when no longer required for the purposes of the association; and shall also have power to raise money by mortgage upon the real and personal property of the association.

Rev. Stat.  
c. 201, s. 17,  
subs. 3,  
amended.

2. Subsection (3) of said section 17 is amended by striking out the word “or” in the first line and inserting in place thereof the following words, “and no such mortgage or sale.”

Rev. Stat.  
c. 201, s. 17,  
amended.

3. Section 17 of the said Act is hereby amended by adding thereto the following:

(4) All sales or leases of land or buildings heretofore made by any association incorporated under this Act, with the approval of a majority of the shareholders thereof, are hereby confirmed and declared to be valid.

## CHAPTER 26

## An Act to Provide for the Incorporation of Co-operative Cold Storage Associations.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.—(1) At any time hereafter, any five or more persons who desire to associate themselves together for the purpose of carrying on the business of storage of fruits, dairy products, animal products, canned goods, evaporated or dried vegetables, and all similar food products, and for the sale or disposal of the same, may make, sign and acknowledge before a notary public, commissioner or justice of the peace, in duplicate, and file in the office of the registrar of the registry division in which the business is to be carried on, a certificate in writing, in the form mentioned in the schedule to this Act, or to the same effect, together with the rules and regulations, signed by such persons respectively.
 

Mode of incorporation.

Certificate.
- (2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before a notary public, justice of the peace, or commissioner authorized to take affidavits, or before the registrar or deputy-registrar.
 

Verifying signatures to rules.
- (3) Upon the filing of the certificate and rules as aforesaid, the members of the association shall become a body corporate, by the name therein described, with the power to hold such lands as are required for the convenient management of their business.
 

Incorporation on filing certificate and rules.
- (4) The registrar or deputy-registrar shall, if desired by the person filing the certificate, endorse on the other duplicate certificate and upon the duplicate of the rules, certificates of the other duplicates having been filed in his office, with the date of filing, and every such certificate shall be *prima facie* evidence of the facts stated therein and of the incorporation of the association.
 

Certificate of filing.
- (5) All rules made by the association may be repealed, altered or amended by other rules passed at a regular meeting called for that purpose, provided no such new rule shall have any force or effect until a copy, proved by the affidavit of the president or other head officer of the association, to be a true copy of the rule or rules passed by the association at a meeting specially called for the purpose of considering the same
 

Repeal, amendment, etc., of rules.



same, has been filed in the registry office in which the certificate of incorporation was filed.

Book to be kept containing certificate, etc.

(6) The association shall cause a book to be kept by the secretary or some other officer especially charged with that duty, wherein shall be kept,

(a) A duplicate of the certificate and of the rules filed as aforesaid in the office of the registrar, so that persons becoming members of the association may sign the said certificate and rules.

(b) Any person so desiring to become a member of, or a stockholder in the said association after incorporation as aforesaid, may sign the said certificate and rules in the said book, and shall thereupon become such member, and he shall be entitled to the rights and privileges thereof, and shall become liable as such member as fully as though he had signed the certificate prior to the said incorporation of the association.

Restriction as to name of company.

2. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the public.

Certificate to be registered in every division in which business is carried on.

3. Any certificate so to be filed may designate any one or more places where the business is to be carried on; but if in different registry divisions, a duplicate must be filed in the registry office of each division.

Shares.

4. A member of an association incorporated under this Act may have shares therein to an amount mentioned in the by-laws of the association not to exceed \$1,000.

Rules of association.

5. Before an association commences operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the association, which shall contain—(1) a mode of convening general and special meetings; (2) provisions for audit of accounts; (3) power and mode of withdrawal of members; (4) appointment of managers and other officers and their respective duties, and a provision for filling vacancies caused by death, resignation and other causes.

Rules to be binding on members.

6. The rules of every association registered under this Act shall bind the association and members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto; and all moneys payable by any member to the association, in pursuance of said rules, shall be deemed to be a debt due from such member to the association.

When storage provided for others than members.

7. Any association formed under this Act may provide cold storage for others than members of the association, but only upon

upon condition that the fees to be charged to such other persons shall first be submitted to and approved by the Minister of Agriculture, and the tariff of fees so approved shall not be exceeded.

8. The capital of the association shall be in shares of such denomination as mentioned in the rules. Capital stock.

9. The shares of the association shall be transferable subject to the consent and approval of the association. Transfer of shares.

10. All elections shall be by ballot, and each member shall have one vote for each share held by him, in respect of which he is not in default for any calls made thereon. Mode of voting.

11. Every dispute between members or between members and the association established under this Act, or any person claiming through or under a member or under the rules of the association, and the directors, treasurer, or other officer thereof, shall be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be binding and conclusive on all parties without appeal. Disputes to be referred to arbitration.

12. The liability of the shareholders shall be limited, that is to say, no shareholder in such association shall be in any manner liable for or charged with the payment of any debt or demand due by the association beyond the amount of his share or shares subscribed for, and any shareholder having fully paid up the amount of his said share or shares shall be absolved from all further liability. Liability of shareholders limited.

13. The fees to be charged by the registrar for filing any certificate shall be fifty cents, and for any search relating thereto ten cents. Fees of registrar.

14. Every association incorporated under this Act shall have power to purchase or lease lands or buildings necessary for carrying on its business and to sell or otherwise dispose of the same when no longer required for the purposes of the association ; and shall also have power to raise money by mortgage upon the real and personal property of the association. Power to purchase, lease, mortgage or sell lands.

15. Every such mortgage shall be valid and binding upon the association to the extent of the interest conveyed thereby, and the covenants on the part of the said association therein contained, according to the true intent of the meaning thereof, when signed by the president and treasurer of the association, with the corporate seal of the association affixed thereto. Mortgages, how to be executed.

16. No such mortgage shall be given and no such mortgage or sale shall be binding upon the association until the same has been approved by the vote of two-thirds in value of Mortgage to be approved by shareholders.

the shareholders in the association, to be given by by-law passed at a special meeting of the association duly called for that purpose.

Grant in aid  
of cold storage  
associations.

17. The Lieutenant-Governor in Council may by Order-in-Council direct that out of any monies voted by the Legislative Assembly for the purpose, there may be paid to any Co-operative Cold Storage Association incorporated under this Act or to any association or company for the manufacture of cheese or butter incorporated under *The Act respecting Cheese and Butter Manufacturing Associations and Companies*, a sum not exceeding one-fifth of the cost of the construction and equipment of any building erected for cold storage purposes by any such association provided that no association shall receive a larger amount than \$500 under this section; and provided that no payment shall be made under this section until the Commissioner of Public Works of the Province of Ontario has reported that he has caused the said building to be examined and that as to structure equipment and all reasonable essentials for cold storage purposes, such building will supply effectual cold storage for the products of the dairy, orchard and farm and such other products as are usually placed in cold storage for preservation; and provided that no payment shall be made under this section after the expiration of five years from the date of the passing of this Act; provided also that no such grant shall be paid to any association in connection with the erection of a cold storage building situated within five miles of any other cold storage building already assisted under this Act; or within five miles of any other cold storage building operated and available for general public use.

Sum granted  
to be a lien on  
buildings for  
five years.

18. The sum appropriated for any cold storage building by order of the Lieutenant-Governor under this Act shall be a first lien upon said buildings and shall so continue for a period of five years after such appropriation is made, and such lien shall be a debt to the Crown and shall be recoverable, in case such building is used for any other than cold storage purposes within the meaning of this Act, by action as the Lieutenant Governor in Council may direct.

## SCHEDULE A.

(Section 1 (1).)

### FORM OF CERTIFICATE.

Province of Ontario } We (insert names of subscribers not less than five)  
TO WIT: } do hereby certify that we desire to form a company  
or association pursuant to the provisions of the "Act to provide for the  
incorporation of Co-operative Cold Storage Associations."

The corporate name of the Association is to be (insert name of the association),



ciation), and the objects for which the Association is to be formed are (*insert objects for which association is formed*). The number of shares is to be unlimited and the capital is to consist of shares of (*insert amount of shares*) each, or of such other amount as shall, from time to time, be determined by the rules of the Association. The name of the place (*or places*) where the operations of the said Association are to be carried on is (*or are*) (*insert name of place or places where the operations of the said Association are to be carried on.*)

Dated the

day of

(Signature).

On the            day of           , A.D. 19   , before me personally appeared (*insert names of subscribers to the certificate*) to me known to be the individuals described in the foregoing certificate, and they severally before me signed the said certificate, and acknowledged that they signed the same for the purposes therein mentioned.

A.B.,

Justice of the Peace, or

Commissioner for taking Affidavits, or

Notary Public.

## CHAPTER 27

### An Act to amend The Loan Corporations Act.

*Assented to 30th April, 1900.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly enacts as follows :

1. This Act shall be read as one with *The Loan Corporations Act*, Chapter 205 of the Revised Statutes, 1897.

This Act to be read with Rev. Stat. c. 205.

2.—(1) In loan corporations incorporated after the seventeenth day of March, 1900, under or by virtue of any Act of the Province, all stock and shares shall be fixed, permanent, and non-withdrawable.

All stock and shares in new corporations to be permanent.

(2) No registered loan corporation, not having, prior to the seventeenth day of March, 1900, issued terminating stock or shares, shall have authority to make or issue such stock or shares.

Terminating shares not to be issued where not issued prior to 17th March, 1900.

(3) On and after the first day of July, 1900, no loan corporation whatsoever not then standing registered under *The Loan Corporations Act* shall be granted registry if the stock or shares of the said corporation consist of or include terminating stock or shares.

No loan corporation not registered to be registered if any part of its stock or shares is terminating.

Rev. Stat.  
c. 205, s. 3,  
amended.

3. Section 3 of *The Loan Corporations Act* is amended by striking out the words "Provincial Secretary" wherever they occur and by substituting in lieu thereof the word "Minister."

Increase of  
permanent  
capital.

4.—(1) The directors of any loan corporation incorporated by or under the law of Upper Canada or of Ontario and standing registered under *The Loan Corporations Act*, may, at any time after ninety per centum of the permanent capital stock of the company has been subscribed and ninety per centum thereof paid in, but not sooner, by by-law passed and confirmed as hereinafter enacted provide for the increase of the permanent capital stock to any amount which the directors may consider requisite.

Proviso.

Provided that this subsection shall not apply to any lawful by law of the corporation or resolution of a general meeting of the shareholders thereof, increasing or authorizing the increase of the permanent capital stock of the corporation, if the said by-law or resolution was duly passed before the severalteenth day of March, 1900, and a certified copy of the same was filed with the Registrar of Loan Corporations before the seventeenth day of April, 1900; and to every such lawful by-law or resolution so passed and filed section 26 of *The Loan Corporations Act* shall apply.

Decrease of  
permanent  
capital stock

(2). The directors of any such loan corporation as in the last subsection mentioned may at any time by by-law provide for the decrease of the permanent capital stock to any amount, not being less than one hundred thousand dollars, as they may consider sufficient. Such by-law shall declare the number and par value of the shares of the stock so decreased and the allotment thereof, or the rule or rules by which the allotment is to be made. The liability of shareholders to persons who, at the time the stock is decreased, are creditors of the corporation, shall remain as though the stock had not been decreased or altered.

Conversion  
of partly-paid  
shares into  
fully-paid  
shares.

(3) The directors of any such loan corporation as in subsection 1 of this section mentioned may pass a by-law providing upon terms therein stated for the conversion of partly paid-up shares into fully paid-up shares of its permanent capital stock; but the liability of shareholders to persons who, at the time the shares are so converted, are creditors of the corporation, shall remain as though the shares had not been converted.

Conversion of  
terminating  
stock or shares  
into per-  
manent stock  
or shares.

(4) The directors of any such loan corporation as mentioned in subsection 1 of this section, in which corporation there is terminating or withdrawable stock or shares, may pass a by-law upon terms therein stated for the conversion of such stock or shares, with the consent of the several holders thereof, into permanent stock or shares. Such by-law shall have no force or validity unless and until it is duly adopted and ratified by the shareholders and is afterwards confirmed by the Lieutenant-Governor in Council in manner provided for by subsection 6 of

of this section; but nothing in this subsection contained shall prejudice or impair the right of the corporation to convert as provided in sections 13, 14 and 15 of *The Loan Corporations Act*. Sections 10 to 15 of the said Act shall apply to any terminating stock or shares irrespective of the date at which such stock or shares were issued.

(5) A copy of any such proposed by-law as mentioned in this section shall be delivered to the Registrar of Loan Corporations at least six weeks before being passed upon by the Board of Directors. Before submission of the by-law to a meeting of shareholders as provided in subsection 6 of this section, such notice shall be given by publication and otherwise as the said Registrar shall direct.

Copy of by-law to be delivered to Registrar.  
Notice of by-law to shareholders.

(6) No by-law for, or having the effect of, increasing or decreasing the permanent capital stock or shares of the corporation, whether such stock or shares are subscribed or issued, or not, or for, or having the effect of, sub-dividing such shares or altering the par value of such shares, or altering the liability of any holder of such stock or shares, or converting partly paid-up shares into fully paid-up shares, shall have any force or validity unless and until such by-law has been duly adopted and ratified by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering the by-law, and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting, and has afterwards been confirmed by an order of the Lieutenant-Governor in Council; and the Lieutenant-Governor in Council is hereby authorized in his discretion to grant such confirmation, if he is satisfied of the *bona fide* character of the changes provided for in the by-law, unless it should appear that the confirmation of the by-law would not be in the public interest. Provided always that, with the consent of the corporation, evidenced by a resolution of the board of directors, the changes provided for in the by-law may be varied or amended by the confirming order-in-council, and may be made subject to such conditions as the Lieutenant-Governor-in-Council may think proper.

Such by-laws relating to stock or shares to be confirmed by Order-in-Council.

Proviso.

(7) The confirmation by the Lieutenant-Governor in Council provided for in subsections 4 and 6 of this section may be evidenced by a certificate of the Minister or by a certified copy of the minister's certificate in the like manner and with the like effect as provided in sections 45 and 47 of *The Loan Corporations Act*; and the said certificate shall be conclusive evidence of all matters therein certified or declared, and of the due performance of all matters precedent or preliminary to the granting of the said certificate.

Evidence confirmation by Lieutenant Governor in Council.

5. (1)—Subsection 1 of section 8 of *The Loan Corporations Act* is amended by striking out all the words after the words "provided that" in the ninth line down to and including the word "Act" in the eleventh line, and by substituting therefor these

Rev. Stat. c. 205, s. 8 subs. 1 amended.



these words: "If any loan corporation incorporated under the law of the Province."

Rev. Stat.  
c. 205, s. 8  
amended.

(2) Section 8 of *The Loan Corporations Act* is further amended by adding at the end thereof subsection 7 as follows:—

(7) The charter or corporate franchise of a loan corporation incorporated under the law of the Province may at any time for cause shown to the satisfaction of the Lieutenant-Governor in Council, be either suspended, or revoked and made void by an order of the Lieutenant-Governor in Council.

Rev. Stat., c.  
205, s. 17 (1)  
amended.

6—(1) All the words of sub-section 1 of section 17 of *The Loan Corporations Act* down to and including the word "itself" in the thirteenth line, are struck out and the following words are substituted in lieu thereof:

Lending  
powers.

"(1) A registered loan corporation shall have power to lend money on the security of, or to purchase or invest in,—

Mortgages of  
real estate  
and loans on  
policies.

"(a) Mortgages or hypothecs upon freehold or leasehold real estate, or other immovables, or mortgages or assignments of such life insurance policies as have at the date of the loan or investment an ascertained cash surrender value admitted by the insuring company;

Government  
and municipal  
debentures,  
etc.

"(b) The public securities of Canada, or of any of the present or future Provinces thereof, or terminating debentures of any municipal or public school corporation, or terminating debentures of any society or company incorporated under the Revised Statutes respecting building societies; or terminating debentures of any society or company in which under the law of the Province trustees may invest trust funds;

Debentures,  
etc., of certain  
other com-  
panies.

"(c) Terminating debentures of companies incorporated and operated for the purpose of supplying gas, water, heat, light, power, or electricity to any municipal corporation in the Dominion of Canada; or terminating debentures of steam or electric railway companies, or of telegraph or telephone companies; or fully paid-up stock of any chartered bank of Canada, or of fully paid stock of any other loan company, trust company or insurance corporation standing registered under the law of Ontario; but so that the aggregate of all of the said stocks held by the loan corporation at any time shall not exceed one-fifth of the paid-up capital of the loan corporation; and so that the loan or loans upon the security of, or the purchase or investment in the debentures of any of the companies mentioned in this present clause lettered (c), shall not in the aggregate exceed one-fifth of the paid-up capital of such company.

Loans on  
terminating  
shares.

"(d) In the case of any loan corporation whose capital stock consists of or includes terminating shares, the corporation may lend

lend on the security of the terminating shares of the corporation itself."

(2) Subsection 5 of section 17 of *The Loan Corporations Act* is amended by inserting after the word "business" in the third line the following words:— "Or is acquired or held for the *bona fide* purpose of building upon or improving the same"; and the said subsection is further amended by substituting "\$50,000" for "\$20,000" wherever the latter sum occurs in the said subsection.

Rev. Stat.  
c. 205, s. 17  
(1) amended.

7.—(1) Subsection 1 of section 29 of *The Loan Corporations Act* is amended by adding at the end thereof the following words: "In respect of deposits, creditors shall rank upon the assets of the corporation *pari passu* with the holders of debentures and debenture stock."

Rev. Stat.  
c. 205, s. 29,  
subs. 1,  
amended.

(2) Subsection 4 of section 30 of *The Loan Corporations Act* is amended by striking out in the eighth line the word "thrice" and by substituting therefor the words "four times."

Rev. Stat.  
c. 205, s. 30  
(4) amended.

8. Section 46 of *The Loan Corporations Act* is hereby repealed, and the following section is substituted in lieu thereof:

Rev. Stat.  
c. 205, s. 46,  
repealed.

"46.—(1) As provided in *The Registry Act*, it shall be sufficient once for all to register a certified copy of the Certificate mentioned in section 45 of this Act on the General Register of each Registry Division in which instruments affecting lands or interests in land, included or intended to be included in such transfer or amalgamation as mentioned in sections 44 and 45 of this Act are registered, and the fee payable for the registration thereof shall be four dollars. Any document under the hand, or purporting to be under the hand, of the Corporations Registrar or Registrar of Loan Corporations certifying such document to be or to contain a true copy of the Certificate mentioned in section 45 or of any instrument referred to in the said Certificate, shall as provided by *The Registry Act* be registered by the Registrar of any Registry Division to whom the same is tendered for registration.

Registration  
of certificate  
of assent to  
amalgama-  
tion, etc.

(2) Copies certified as aforesaid of any certificate or instrument aforesaid shall be received and accepted by the Master of Titles and Local Masters of Titles, under the provisions of *The Land Titles Act*, as conclusive evidence of all matters therein certified or declared. Subject to rules to be made under *The Land Titles Act* the said certificate shall be entered in the book kept in the Land Titles office for powers of attorney and the fee for entering the same shall be one dollar, if the certificate is five folios or under, and for each folio above five ten cents additional.

Certified  
copies of cer-  
tificate as  
evidence be-  
fore Master  
of Titles.

Rev. Stat.  
c. 138.

(3) For the purpose of any instrument required to be registered or filed under *The Bills of Sale and Chattel Mortgage Act*, it shall be sufficient in order to show the transmission of title

As to the  
Bills of Sale  
and Chattel  
Mortgage Act

title in respect of any personal property or interest in personal property included, or intended to be included in such transfer or amalgamation as mentioned in Sections 44 and 45 of this Act if the instrument affecting such property or interest recite the certificate registered as provided in subsection 1 of this section, and recite the registry division in which such certificate is registered together with the registration number of the certificate.

(4) This section shall extend to and include any such certificate or certified copy issued or purporting to have been issued under *The Loan Corporations Act* since the passing thereof.

Rev. Stat.  
c. 205, s. 79  
amended.

9. Section 79 of *The Loan Corporations Act* is amended by striking out in the sixth line the word "three," and by substituting the word "five" in lieu thereof; and is further amended by striking out in the ninth line the word "four," and by substituting the word "six" in lieu thereof.

Rev. Stat.  
c. 205,  
s. 108 (9)  
amended.

10.—(1) Section 108 of *The Loan Corporations Act* is amended by adding at the end of subsection 9 the following words:—  
"This section shall have effect notwithstanding any Act of the Province."

Rev. Stat. c.  
205, s. 111(2),  
amended.

(2) Subsection 2 of section 111 of *The Loan Corporations Act* is amended by inserting the words "incorporated or" after the word "duly" in the first line of the said subsection.

A corpora-  
tion may upon  
petition be  
brought with-  
in provisions  
not otherwise  
applicable.

11. Upon petition of any corporation standing registered under *The Loan Corporations Act*, the Lieutenant-Governor in Council may, by Letters Patent under the Great Seal, extend and make applicable to the corporation in respect of its business in the Province any provision or provisions of the said Act which would or might not otherwise so extend or apply. Until the said Letters Patent are amended, suspended or revoked, the corporation shall thereafter, in respect of such business, be entitled to all rights and remedies conferred, and be subject to all duties and liabilities imposed by the said provision or provisions.

Rev. Stat.  
c. 205, s. 117  
(2) amended

12. Subsection 2 of section 117 of *The Loan Corporations Act* is amended by adding thereafter clause (a) as follows:—

Penalty for  
using certain  
words in name  
of company  
while  
unregistered.

(a) Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Ontario Insurance Act*, that assumes or uses in the Province a name which includes any of the words "Loan," "Mortgage," "Trust," "Trusts," "Investment," or "Guarantee" in combination or connection with any of the words "Corporation," "Company," "Association" or "Society," or in combination or connection with any similar collective term



term shall be guilty of an offence against subsection 1 of this section; and any person acting in behalf of such person, partnership, organization, society, association, company or corporation shall be guilty of an offence against subsection 2 of this section, and upon conviction thereof shall be liable as in the said subsection 2 enacted; and subsections 3, 4, 5 and 6 of this section shall apply. This provision shall take effect on, from and after the first day of July, A. D. 1900. Provided that, where any of the said combinations of words formed part of the corporate name of any corporation theretofore duly incorporated by or under the authority of an Act of the Province or of the Parliament of Canada, the said combination may continue to be used in the Province as part of the said corporate name.

13. Clauses 13 and 14 of section 120 of *The Loan Corporations Act* are amended by striking out these words "increase or decrease of capital stock" wherever the said words occur, and by substituting therefor these words "increase, decrease, conversion or alteration of capital stock or shares; or declaration or alteration of powers." Rev. Stat. c. 205, s. 120, amended.  
Rev. Stat. c. 205, s. 10, amended.

14. Section 119 of *The Loan Corporations Act* is amended by adding thereto subsections 2 to 10 inclusive as follows:— Rev. Stat. c. 205, s. 119 amended.

"(2) A list or notice published in the *Ontario Gazette* over the name of the Registrar shall, without further proof, be received in any Court and before all Justices of the Peace and others as *prima facie* evidence of the facts set forth in such published list or notice. Effect of notice in Gazette.

(3) All copies of returns, reports or other official publications of the Registrar purporting to be printed by the Printer to the Crown, or the Printer to the Legislative Assembly, or to be printed by order of the Legislative Assembly, shall without further proof, be admitted as evidence of such publication and printing, and as true copies of the original documents delivered to be printed and published. Official publications to be evidence.

(4) The seal or signature of the Registrar shall be admissible in evidence without proof of its authenticity; or of the official character of the person signing. Registrar's seal or signature.

(5) A certificate under the hand of the Registrar and the seal of his office, that on a stated day the corporation mentioned therein stood registered, or did not stand registered, or that the registry of any corporation was originally granted, or was renewed, or was suspended, or was revived, or was revoked, or was cancelled, on a stated day, shall be *prima facie* evidence in any Court or elsewhere of the facts alleged in the certificate. Certificate as to facts.

Commence-  
ment and end  
of certificate.

(6) Every certificate of registry granted under this Act shall specify the first day, and also the last day of the term for which the corporation is registered; and the corporation so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified.

Copies of or  
extracts from  
official docu-  
ments.

(7) Copies of, or extracts from, any book, record, instrument or document in the office of the Registrar or any official instrument or document issued by virtue of this Act shall if certified by him to be true copies or extracts and sealed with the seal of his office, be held as authentic, and shall be *prima facie* evidence of the same legal effect as the original in any court or elsewhere.

Interpretation

(8) For the purposes of this section, Registrar shall include the Deputy or Assistant Registrar.

Certificates of  
Assistant  
Provincial  
Registrar

(9) In the case of any document for purposes of this Act filed or required to be filed in the office of the Provincial Registrar, a certificate of filing shall be *prima facie* evidence of the filing if signed or purporting to be signed by the Deputy or Assistant Provincial Registrar, or by the acting Deputy or Assistant.

Books, etc., of  
corporation to  
be evidence.

(10) The books, accounts and documents of a loan corporation and entries in the books of its officers shall be *prima facie* evidence of the matters to which the entries relate as against the corporation or as between shareholders or alleged shareholders thereof.

Inconsistent  
Acts and  
parts of Acts  
repealed.

**15.** All Acts and parts of Acts inconsistent with this Act are, to the extent of such inconsistency, repealed.

## CHAPTER 28

## An Act respecting certain Railways.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Every subsidy heretofore granted out of the Consolidated Revenue Fund of this Province in aid of any railway shall as to any part thereof which is still unearned, and all subsidies hereafter granted to any railway out of the said fund, in addition to all other lawful requirements shall be subject to any conditions which may hereafter be imposed by order of the Lieutenant-Governor in Council respecting the toll to be charged to persons known as “Settlers” or “Prospectors” using any such subsidized Railway or any part thereof, in connection with their prospecting and settling in the district in this Province through which the railway runs, either for freight or passenger service, and in default of compliance with the said conditions, or any of them, there may be deducted and retained from any monies payable in respect of such unearned subsidy or hereafter granted subsidy such amount as the Lieutenant-Governor in Council may think proper and the railway company or any assignee of a railway company claiming such subsidy shall not be entitled to receive payment of the same, or if such subsidy shall have been paid over prior to such default the company operating such railway shall forfeit such part thereof as may be determined by Order in Council and the same may be recovered back from such company with full costs of action at the suit of the Attorney General of this Province in any court of competent jurisdiction.

Subsidies to be subject to certain conditions as to special rates to settlers, etc.

(2) The words “settlers” and “prospectors” shall respectively be construed to include any person who shall have produced evidence to the proper officer of the said railway that he is an intending settler or prospector as the case may be in the district through which such railway runs, which evidence shall be deemed sufficient if it complies with the requirements of any Order in Council in that behalf and the said words shall also mean and include every member of the family of a settler or prospector residing with him using such railway or any part thereof in connection with such prospecting and settling.

“Settlers,” “prospectors,” who to be deemed.



"Toll"  
meaning of.

(3) The expression "toll" shall include any rate or charge for any passenger, animal, carriage, goods, merchandise, matter or thing conveyed on the railway.

Payment of  
current rates  
of wages to  
workmen.

2. Every such unearned subsidy or hereafter granted subsidy shall further be subject to the condition that the workmen, labourers or servants employed in or about the construction and operation of the railway in aid of which such subsidy is granted shall be paid such rate of wages as may be currently payable to workmen, labourers and servants engaged in similar occupations in the district in which such railway is constructed and operated and upon breach of such condition by the railway company there may be deducted and retained from any monies payable in respect of such unearned subsidy or hereafter granted subsidy such amount as the Lieutenant-Governor in Council may think proper and in case the subsidy shall have been paid over before such breach such part thereof as may be determined by Order in Council may be recovered back from the railway company to which the same was granted with full costs of action at the suit of the Attorney General of the Province in any court of competent jurisdiction.

Subsidized  
lines to be  
built of materials  
made and  
purchased in  
Canada.

3. Every railway company receiving any subsidy either of money or of lands under any Act of the Legislature of Ontario, after the passing of this Act, or any railway company heretofore receiving any subsidy either in money or in lands, part of which is still unearned, shall, as far as practicable, construct, equip and operate their lines of railway with railway supplies and rolling stock made, purchased or procurable in Canada, providing such railway supplies can be obtained as cheaply and upon as good terms in Canada as elsewhere, having regard to quality and price, and unless the Lieutenant-Governor in Council shall approve of the same being procured elsewhere

Aliens employed on  
railways.

4. No person shall be employed in the construction of any railway receiving a subsidy either in money or in lands who is a citizen or subject of any country having an Alien Labour Law which practically excludes Canadians from employment upon the public works of such country or on other works therein. Any company employing labourers as aforesaid shall be liable to a penalty of \$20 per day for each person so employed during the whole period of such employment.

Act incorporated with  
Rev. Stat. c.  
207, etc.

5. This Act shall be read with and as part of *The Railway Act of Ontario*, and of any Act respecting aid to railways passed during the present or any future session of this Legislature.

## CHAPTER 29

## An Act respecting Aid to Certain Railways.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. There shall be granted out of the Consolidated Revenue Fund for the construction of the portions of railways herein-after mentioned, the sums following, that is to say :—

Grants to  
railways.

(1) To the Toronto, Lindsay & Pembroke Railway, between a point fifteen miles east of Bancroft and a point at or near Golden Lake, in the Township of South Algona, in the County of Renfrew, a distance not exceeding 36 miles, a cash subsidy of \$3,000 a mile,—\$108,000.

(2) To the Central Counties Railway for that portion of the Rockland Branch of the said railway from Rockland to Clarence Creek, a distance of about seven miles, a cash subsidy of \$1,200 a mile,—\$8,400.

(3) To the Central Ontario Railway from a point at or near Bancroft to a point on the line of the Canada Atlantic Railway Company, between Madawaska and Whitney, a distance not exceeding 40 miles, a cash subsidy of \$3,000 a mile,—\$120,000.

(4) To the railway from the Town of Parry Sound southerly to connect with the Canada Atlantic Railway a distance not exceeding five miles, a cash subsidy of \$3,000 per mile,—\$15,000.

2. The grant herein made to the Central Counties Railway Company shall be subject to the claims incurred in respect of the construction by said company of the branch between Rockland and Clarence Creek, and the expenses incurred in determining the said claims against the said company in respect of the said branch, and shall be applied towards the payment of the claims of workmen and other creditors, as aforesaid, and the balance (if any) remaining after payment of such claims and expenses shall be paid to the said company.

Central  
Counties Ry.  
grant.

3. The grant of \$50,000 made by the Act passed in the fifty-eighth year of Her Majesty's reign, chaptered thirty-six, towards the building of an interprovincial railway and passenger and traffic bridge across the Ottawa River at or near Nepean Point

Grant to  
interprovin-  
cial bridge  
freed from  
certain condi-  
tions.

Point

Point, subject to the condition that the Province of Quebec should contribute in like manner as this Province the sum of \$50,000, is hereby freed from said condition provided that the other conditions under which the said grant was made are fulfilled to the satisfaction of the Lieutenant-Governor in Council, and subject to the further condition that evidence satisfactory to the Lieutenant-Governor in Council is adduced that the sum of \$800,000 or more has been expended in the construction of the said bridge and approaches.

Grants to Ontario and Rainy River Ry. under former Acts.

4. The several grants made to the Ontario and Rainy River Railway Company by the Acts passed in the fifty-eighth year of Her Majesty's reign, chaptered thirty-six; in the sixtieth year of Her Majesty's reign, chaptered forty; and in the sixty-first year of Her Majesty's reign, chaptered twenty-two; for the total distance of one hundred and seventy miles, are hereby transferred to that portion of the said company's railway extending from a point at the westerly end of the thirty-five miles described in the Act passed in the sixty-second year of Her Majesty's reign, chaptered twenty-four, for a distance of one hundred and seventy miles, to a point at or near Fort Francis, and the time for complying with the conditions on which the grant was made by the said Act passed in the fifty-eighth year of Her Majesty's reign, chapter thirty six, is hereby extended for the period of two years from the sixteenth day of April, one thousand nine hundred.

Conditions attached to subsidies.

5. The subsidies hereby granted shall be subject to the following conditions:—

1 Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies, shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of, and intervals at which stoppages shall be made at such stations for the accommodation of the public.

2 Every company to which aid is granted by this Act shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of railway, and shall also adopt the latest appliances which are in use for the said purpose.

Lapse of subsidies not earned.

6. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act shall lapse and revert to the Consolidated Revenue Fund of the Province.

Rolling stock to be of Canadian manufacture.

7. The subsidies hereby granted, and the subsidies granted to railway companies by any Act heretofore passed and which have



have not been earned or assigned or hypothecated prior to the passing of this Act, shall be further subject to the condition that the companies to which the same are granted shall, as far as practicable, construct, equip and operate their lines of railway with railway supplies and rolling stock of Canadian manufacture, whenever such railway supplies and rolling stock can be procured as cheaply and upon as good terms in Canada as elsewhere, having regard to quality and price among other things, and unless the Lieutenant-Governor in Council shall approve of the same being procured elsewhere.

8. The grants aforesaid are made subject to the condition that the company aided shall not amalgamate with any other company, or lease or transfer the railway or its franchises or make pooling arrangements as to rates for freight or other charges, or adopt any method for placing such railways under the management or control, in whole or in part of any other railway or railways in any manner whatsoever, without the sanction of the Lieutenant-Governor in Council first had and obtained, and also subject to the condition that no persons shall be employed in the construction of the said roads who are subjects of any country which has an alien labour law which practically excludes Canadians from employment upon public works of such country or on other works therein.

Companies aided not to amalgamate with other companies, or employ certain class of workmen.

9. All the provisions of *The Act to secure payment of wages for Labour performed in the construction of Public Works* and of *The Act respecting Subsidies to Railways and to encourage the manufacture of railway steel and iron in the province*, shall apply to the subsidies granted by this Act and the wages paid on any of the said works shall be such as are generally accepted as current for competent workmen in the respective districts where such railways are to be constructed.

Rev. Stat. cc. 155, 210 to apply.

10. The Lieutenant-Governor or any person appointed by him in that behalf is empowered to decide what persons are to receive payment out of the subsidy hereby granted to the Central Counties Railway and what sums are to be paid thereout to workmen and to all other creditors to whom claims are owing and which have been incurred in respect of building the road of the said company between Rockland and Clarence Creek, and the balance only remaining after making such payments and after deducting any expenses incurred in determining the same shall be paid to the company.

Deduction from grants to Central Counties Ry. to meet claims of creditors.

## CHAPTER 30

## An Act respecting Aid by Land Grant to the Algoma Central Railway Company.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Algoma Central Railway Company has been duly incorporated and empowered to construct a line of railway from Sault Ste. Marie, Ontario, to a point on the Canadian Pacific Railway, and a branch line from a point in the said line of railway to Michipicoten Harbour on Lake Superior, and has applied to the Government of the Province of Ontario for a grant of 7,400 acres of the crown lands of the Province for each mile of its railway constructed or to be hereafter constructed as railway aid; and whereas such railway will run through a country not hitherto accessible for the purpose of habitation, and its construction is rendered difficult and costly by reason of the nature of the territory to be traversed by it; and whereas, owing to the undeveloped character of the country through which it will pass, the traffic of the railway for some years to come will be limited to carrying timber and mineral ores and will not be of sufficient value to produce a revenue on the capital invested therein; and whereas the said territory, though rich in natural resources, cannot be made available to the people of the Province, or to new settlers, without the facilities for transportation provided by a railway; and whereas The Lake Superior Power Company has constructed a large hydraulic power canal at the Town of Sault Ste. Marie, in the Province of Ontario, and power houses, plant and works supplying power to operate the industries now located upon it, and The Sault Ste. Marie Pulp and Paper Company has constructed and now operates large industries at the Town of Sault Ste. Marie, Ontario, whereby the natural resources of the region are being utilized in its manufacturing processes, and the said two last mentioned companies have, as an inducement to the granting of the said lands to the railway company, severally offered, in consideration of such grant being made, to construct, equip and operate large and important additional works and industries in the Province of Ontario, to make use of such raw materials, and manufacture the same, and thus promote immigration to the Province by furnishing employment to labour therein, contribute to the development of its resources and add to the public wealth thereof; and whereas the said existing works and industries established by the said two companies, and those to be established by them as hereinafter mentioned, are, and will be, of such magnitude, capacity

capacity and diversity as to utilize and develop to the fullest extent the timber, mineral and other natural resources of the country to be traversed by the railway; and whereas certain stipulations have been agreed to by the promoters of the said enterprises having in view the securing of settlement of that part of the Province through which the said line of railway is to run, and other stipulations have been agreed to for the establishment of not less than four steel-plated steamers having an aggregate carrying capacity of 8,000 tons to be used in the carrying trade on the Great Lakes of Canada; and whereas the granting of aid to the said Railway Company is to be conditional upon the carrying out and compliance with the terms and conditions hereinafter set forth; and whereas in connection with the facts and statements hereinafter mentioned and set forth negotiations have taken place between the promoters of the said enterprises and the Government of the Province and it appears to be in the interests of the districts in which the proposed works will be located, as well as the Province at large, that the said railway should be constructed and the work of construction thereof proceeded with at once; and whereas it is expedient for the purpose of securing the advantages aforesaid that aid therefor should be given to the railway company in the manner and on the terms hereinafter set forth;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may set apart out of the ungranted lands of Ontario 7,400 acres of land for every mile of railway which may be constructed by the Algoma Central Railway Company from a point at or near the Town of Sault Ste. Marie, in the District of Algoma, on the St. Mary River, to a point on the main line of the Canadian Pacific Railway between Dalton and White River Stations, being a distance of about one hundred and fifty miles; and from Michipicoten Harbour, in an easterly direction intersecting the said line a distance of about fifty miles.

Land grant  
7,400 acres a  
mile to  
Algoma Cen-  
tral Ry. Co.

2. Unless with the previous approval of the Lieutenant-Governor in Council no deviation shall be made from the proposed line of the said railway as laid down upon a map showing the location thereof made by John A. Wilde, dated the 24th day of April, 1900, and authenticated by the signature of the Commissioner of Crown Lands and filed in his department, and in case any deviation is approved of and in consequence thereof the length of the railway is increased no grant of land shall be made in respect of any such increase beyond 25 miles over and above the distance as shown by the above map.

Deviations  
from line of  
railway.

3. None of the lands to be granted shall be nearer to the Town of Sault Ste. Marie than 20 miles, nor nearer to Michipicoten

Distance from  
Sault Ste.  
Marie and  
Michi-  
coten



Michipicoten  
at which lands  
to be granted.

coten Harbour than 10 miles, but such distances of 20 miles or 10 miles respectively shall be, nevertheless, taken into account in reckoning the mileage for which a grant of land as aforesaid shall be made to the railway company.

Alternate  
blocks.

4. The lands so to be granted shall be set apart in alternate blocks so that a block shall be granted to the railway company and a similar adjoining block reserved to the Province and so that the railway shall, as nearly as practicable, pass through the centre of each block, according to its shortest dimensions. Each block or parcel shall contain, as nearly as may be, 148,000 acres and shall be rectangular in shape, so far as the conformation of the land permits, subject to such modifications as may be necessary for purposes of survey or any other purpose required by the Commissioner of Crown Lands.

When block  
includes  
settled lands.

5. Where a block of land allotted to the Company includes within its limits lands located or claimed by settlers or others having any right or interest therein under any Act of this Province, either as purchasers from the Crown or as bona fide applicants therefor as mining locations or claims, or mining claims staked out at any time prior to the passing of this Act pursuant to the regulations in that behalf, notwithstanding that the said claims, or any of them, may have been so staked out within any area covered by any Order in Council withdrawing iron-bearing lands from lease, license or other disposition, and notwithstanding that the same may have been so staked out during the period the said Orders in Council have been in force; the lands so settled upon, purchased or applied for, or staked out, shall not be included in the block of land allotted to the Company but the Company shall be entitled to an equal acreage of other lands in lieu thereof to be allotted in the manner provided in the next section.

Where lands  
through which  
railway runs  
are swamp  
lands.

6. In case any of the lands through which the railway shall run consist of swamp or land covered with water, the railway company shall not be obliged to receive any part of such lands as part of the said grant, but land elsewhere shall be selected by the railway company in the place of such last mentioned lands from other lands adjacent to the outer limit of such blocks or in the intervening blocks at the option of the Commissioner of Crown Lands who may grant the same in lieu of the land so excluded, and the Lieutenant-Governor in Council, on the approval of such selection by the Commissioner of Crown Lands, may grant other lands to equal the acreage of lands thus excluded from the said parcels of land. Provided, however, that in the case of any lands which are unfit for settlement or absolutely valueless for any other purpose, with the consent of the Commissioner of Crown Lands other lands may be set apart and substituted therefor, but only subject to such conditions including provisions for

actual

actual settlement of such substituted lands as may be imposed by the Commissioner of Crown Lands.

7. The lands to be granted shall be surveyed by the railway company, and the plans and field notes thereof filed in the Department of Crown Lands, such work to be done by the railway company at its own expense; the surveys shall be in accordance with the system of surveys prescribed for Crown lands on the north of Lakes Huron and Superior and shall be subject to the inspection and approval of the Commissioner of Crown Lands. From and after the passing of this Act for the period of one year no lands shall be located, leased or sold within ten miles on either side of the said lines of railway until the said blocks of land hereinbefore referred to have been surveyed and determined, but this provision shall not prevent persons having rights as locatees, purchasers or licensees within the meaning of section 5 of this Act, or persons claiming under them, from proving their title and receiving grants therefor pursuant to the statutes and regulations in that behalf.

8. Upon the construction of any portion of the railway not less than 10 miles in length, and the completion thereof, so as to admit the regular running of trains thereon, together with such equipment thereof as shall be required for the traffic thereon, the Lieutenant-Governor in Council may grant to the company the land applicable thereto according to the appropriation thereof made as hereinbefore provided, but the granting of such land at any time, or for any such lengths of railway of not less than 10 miles each, shall not discharge the company from due observance of the conditions which at the time of any such grant or grants may not have been deemed completed. Examination into the work done, and acknowledgment of compliance with any conditions by the Government, shall not be final until the railway and all other works hereby undertaken to be done by the railway company or other companies shall have been completed.

9. The lands hereinbefore set forth to be granted to the said company shall be granted in fee simple, and such grant shall include all ores mines and minerals, base and precious; and shall also include the pine to be paid for by the company at a price to be determined as hereinafter provided, and also to be subject in addition to the payment of such dues as at the time the said pine is cut are payable by crown timber licensees on pine sold since 1892.

Provided that all patents of the land in the said railway block shall contain a condition that all nickel ore or combined ore of nickel and copper found on or in the said lands shall be subject to such regulations as to treating or refining in Canada

Canada as may for the time being be applied to other lands of the Province under any general law.

Sale of timber rights by public auction.

**10.** On completion of the survey and the filing of the plans in the Department of Crown Lands the Commissioner of Crown Lands shall offer for sale by public auction the right to cut the pine timber (if any) on the reserved alternate blocks or on as many successive reserved blocks not less than five as may be approved by the Commissioner of Crown Lands subject to the usual conditions and regulations respecting sales of the right to cut timber on Crown Lands, and the average price per thousand feet board measure realized for such pine timber at the said auction on the reserved blocks shall be the price to be paid as aforesaid by the company for each thousand feet of pine on the intervening blocks granted to them. The said price shall be paid by the said railway company with and in addition to the Crown dues. A part of the pine on the blocks of the railway company shall be cut each year, and the whole in ten years from the date of such sale on reserved blocks.

Reversion of pine to Crown.

**11.** In case the payments be not made as hereinbefore provided the pine upon the blocks for which it is owing shall revert to the Crown and the right to cut the same may be sold by the Commissioner of Crown Lands in the same manner as he would have been entitled to sell the same if the pine had been reserved in the patents and the Commissioner may issue licenses to cut the same, and such licenses shall confer upon the licensees the like rights with reference to the pine, and to and upon the lands, as are conferred by licenses to cut timber on Crown lands subject however to any restriction contained in any such license.

Cutting pine on reserved blocks.

**12.** The right to cut the pine upon the said reserved blocks shall be sold subject to the condition that a part of the same shall be cut each year and that all shall be removed within ten years from the time of sale, or such lesser period as the purchaser may prefer.

Scattered pine timber.

**13.** In case any portion of the said blocks of land laid out for the company are found to contain only scattered pine timber so that in the opinion of the Commissioner of Crown Lands such pine is not of sufficient value to justify its being put up for sale, the Company shall have the right with the approval of the Commissioner to cut the timber on such lands without payment of the said price but shall pay in respect thereof the same dues as are payable by Crown Timber licensees as hereinbefore provided.

Land to be subject to Rev. Stat. c. 36.

**14.** The lands granted to the said railway shall be subject to all the provisions of *The Mines Act*, and to all regulations made or to be made thereunder, saving and excepting Parts II and III thereof.



15. The provisions of the Act, chaptered 26 of the Revised Statutes of Ontario, 1897, shall not apply to any portion of the lands to be granted to the railway company as aforesaid. Rev. Stat. c. 26 not to apply.

16. The following conditions shall be fulfilled and performed to enable or entitle the company to have or obtain any of the land grants hereinbefore provided, except as provided in section 8 hereof; namely, Conditions upon which grant to be made.

1. The construction of the railway, meaning the lines of railway hereinbefore described, shall be commenced on or before the first day of June next, and the entire railway shall be completed for the distance of two hundred and twenty-five miles or thereabouts, in accordance with the provisions of the Acts empowering such construction, on or before the first day of May, 1903. Construction of railway.

2. The Lake Superior Power Company shall at or near the Town of Sault Ste. Marie in the Province of Ontario, develop water power to the extent of at least 40,000 horse power in addition to that already developed by it at the said town and will commence the construction of the canal or canals for the development of such horse power within sixty days from the passing of this Act, and complete the said canal or canals and instal the machinery necessary for the development of such power and develop the same within three years from the commencement of the construction of such canal or canal; Works of Power Co.

And shall commence or cause to be commenced, the erection of smelting and reduction works within sixty days after the passing of this Act, and shall complete the same to a capacity of 300 tons of ore daily within two years from the commencement thereof;

And shall also commence, and cause to be commenced, the erection of chemical works within sixty days after the passing of this Act, and shall complete the same within two years from the commencement thereof, such works to be of the capacity suitable for using 5,000 horse power for the operation thereof.

3. That The Sault Ste. Marie Pulp and Paper Company, shall commence within the Province of Ontario, the erection of an additional pulp mill to that now operated at Sault Ste. Marie, Ontario, within thirty days after the passing of this Act, and complete the same to a capacity of fifty tons of pulp daily within one year from the commencement thereof. Works of pulp and paper Co.

4. The said railway company shall when requested by the Commissioner of Crown Lands place a station for the accommodation of passengers and freight, as nearly as may be in the centre of each block of land whether allotted or reserved, subject to the approval of the Public Works Department, and shall survey a town plot in the neighbourhood of each station in the company's blocks and as soon as the Lieutenant-Governor in Council shall declare that occasion has arisen therefor shall build a school house and public hall sufficient for Stations, school houses and town halls.

for the requirements of a population of five hundred people at the least, and in accordance with plans previously approved of by the Commissioner of Public Works.

Immigration office.

5. The railway company shall within one year from the passing of this Act establish an immigration office in the City of Toronto, and another such office in Great Britain.

Settlement.

6. The railway company shall every year during the ten years next after the passing of this Act place upon their said lands or the lands of the Crown adjacent to the line of the said railway, at least one thousand male settlers who shall each be of the age of sixteen years or over, and who shall each build or have built for him before or within one year of his being placed upon the said land a house thereon fit for habitation at least sixteen feet by twenty feet, with other necessary buildings, and who (in the case of agricultural settlers) shall also each perform within the times specified by *The Free Grants Act* the settlement duties as to residence, clearing and cultivation by the said Act required in order to entitle a free grant settler to a patent of one hundred acres of land. Artisans, operatives and regular employees of the railway company or of any mining, industrial or manufacturing establishments on the line of said railway and being actual residents thereon shall be included in the designation "settlers." Provided that every settler's son, who is of the age of 16 years or over, and who resides with his father shall count as a settler within the meaning of this paragraph and the foregoing requirements as to the building of a separate house and other buildings shall not apply in the case of any such settler's son resident with his father.

Steamship line.

7. The railway company shall establish and maintain a line of not less than four steel steam ships for regular traffic between Michipicoten and Sault Ste Marie and other points on the lakes, the said ships to be of a tonnage of not less than 2,000 tons each freight capacity.

Pine and spruce not to be exported.

8. None of the said pine timber nor any spruce pulpwood on the said railway lands shall be exported in an unmanufactured condition out of Canada, but the pine shall be manufactured into sawn lumber or square timber as required in respect of Crown timber by the manufacturing condition in Schedule A of the Act passed in the 61st year of Her Majesty's reign entitled *An Act respecting the Manufacture of Pine cut on the Crown Domain*, and the spruce pulpwood shall be made into pulp or paper within Canada.

Forfeiture for non-fulfilment of conditions.

17—(1) In respect of the said conditions numbered (1), (2), and (3) it is hereby declared and enacted that if the Lieutenant-Governor in Council at any time or times, deems that the railway company or either of the two companies above named has in respect of any of the works to be done by any of them, respectively, failed in commencing, constructing or proceeding.

proceeding therewith, in accordance with the provisions foregoing affecting such work, then the Lieutenant-Governor in Council may on notice to the said railway company and other companies and after hearing forfeit all right, claim or demand of or to any of the said lands whether the same have been patented under the aforesaid provisions or have not been patented; and notwithstanding that there may be no default by the railway company: The Lieutenant-Governor in Council may, nevertheless, relieve against any forfeiture deemed to have been incurred, and the waiving by the Lieutenant-Governor in Council of any forfeiture or of any matter or thing deemed to have been a forfeiture shall not affect the right of the Lieutenant-Governor in Council to revive such forfeiture in case any conditions on which it was waived is broken or to again declare a forfeiture in respect of the same matter or to declare forfeiture in respect of other matters at any subsequent time or times, but no forfeiture shall be made or declared of any lands previously sold by the said railway company to any bona fide settlers.

(2) Subject to any general or special Act applicable to said company it is further declared and enacted that upon the said conditions numbered 1, 2, 3 and 5 of section 16 being complied with by said railway company and the other companies named therein and upon the said line of steamships being established as provided in subsection 7 of the said section 16 and upon the said railway company giving such security as the Lieutenant-Governor in Council may require to secure the due performance by the railway company of the conditions numbered 4, 6 and 8 mentioned and set forth in section 16 hereof then the whole of the said lands so granted to the said railway company shall be vested in the said company in fee simple and freed from all the conditions mentioned and set forth in the said section 16; and any other securities satisfactory to the Government may from time to time be substituted for the security so given by the said railway company.

Relief from future forfeiture on giving security.

(3) Upon the completion of any section of the said railway not less than 10 miles in length, the Lieutenant-Governor in Council upon the application of the said railway company and upon the said railway company furnishing such security for compliance with the said conditions as may be approved by the Lieutenant-Governor in Council, may declare that any lands, or any portion thereof, which may have been granted to the company under the provisions of this Act shall thereupon be vested in the said company in fee simple and freed from all the conditions mentioned and set forth in section 16 of this Act.

Making title for bona fide settlers.

18. The railway company before cutting or allowing any other person to cut pine on any of the said lands shall from time to time notify the Crown Lands Department of its intention

Notice to be given of intention to cut pine.

intention



intention to cut such pine and the localities in which it intends to cut as aforesaid, and shall also make or cause to be made sworn returns of all pine timber cut on the said lands in the same manner and form as is required of licensees by the Crown Timber Regulations, and the regulations from time to time in force in respect of licensees of Crown timber and for securing the due payment of timber dues and the provisions of any Act of the Legislature which may be in force for the same purpose shall apply to the said Railway Company and to the pine cut thereon so far as the same can be applied and are not inconsistent with this Act, as if the said company were licensees and the said timber were cut on Crown Lands.

Rates for  
passengers  
and freight.

**19.** The rates for passenger and freight traffic which may be charged by the said Company on the said Railway shall be subject to approval by the Lieutenant-Governor in Council, and the Company shall comply with any conditions now or hereafter imposed by any Act respecting the granting of aid to railways.

Fire regula-  
tions.

**20.** The company shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of the railway, and shall also adopt the latest appliances which are in use for the said purpose.

Penalty for  
violating fire  
regulations.

**21.** If the railway company fails to comply with any of the provisions contained in sections 19 and 20 of this Act, it shall forfeit to Her Majesty a sum not exceeding \$500 for every day during which such default continues, to be recovered at the suit of the Attorney-General.

## CHAPTER 31

## An Act to amend The Street Railway Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 18 of *The Street Railway Act* is amended by adding thereto the following subsections :—
 

Rev. Stat.  
c. 208, s. 18,  
amended.

  - (4) The company, when operating any portion of its line by means of electricity, shall use on the front of each motor car used by such company a fender of a class to be approved by the Engineer of the Department of Public Works of Ontario. Provided that the company shall not be bound to furnish or use any such fender until the expiration of the period of six months after the said engineer shall in writing have signified his approval as aforesaid.
 

Fenders to be  
used on elec-  
tric cars.
  - (5) The company when operating any motor car upon its railway shall have at least two men engaged thereon, so as to collect the fares and also to look after the public safety, and stop the car for intending passengers.
 

Two men on  
each motor  
car.
2. In case any street railway, electric or other railway, has been heretofore, or shall hereafter be, constructed in any municipality under an agreement with the council thereof, or of the council having the control of the road, street or highway therein, and the locality, or any part of the locality in which said road has been, or is constructed, is subsequently to the making of such agreement, removed from one municipality to another, or the road, street or highway along which the said street railway has been or shall be constructed, has ceased to be owned or controlled by one municipality, or the council thereof, or by any council having the control of such road, street or highway, and has become vested in or has been placed under the control of another municipality or the council thereof, then so far as such agreement relates to the maintenance and repair of the track and roadbed of the railway or the remaining portions of the highway or highways over which the railway is operated, and to the removal of snow and ice from the company's track and the disposal of such snow and ice upon the highway or elsewhere the corporation of such last mentioned municipality and any officer or person designated by by-law thereof shall be substituted for and shall have all the rights and may exercise all the powers and be subject to the same duties as the municipal corporation party to such agreement and any officer or person named therein and charged

charged with the performance of any duty in respect to the matters aforesaid thereunder.

Table of fares  
to be posted  
up.

3. The conductors of every street railway, electric railway or other railway company heretofore and hereafter incorporated and operated by any other motive power than steam shall carry and exhibit if required in every passenger car a table of tolls or fares to be collected or taken for the carriage of any passenger.

## CHAPTER 32

### An Act respecting mortgages by Electric Railway Companies or Street Railway Companies.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Enforcing  
mortgages  
to secure  
bonds of  
street railway  
companies.

1. Every mortgage made by any Company incorporated under or subject to the provisions of *The Electric Railway Act*, or of *The Street Railway Act*, whenever the deed creating such mortgage encumbrance may have been executed may be enforced by judgment for foreclosure or sale in the same manner and to the same extent as such mortgage could be so enforced if the same had been made by a company not incorporated for any public purpose.

Notice to be  
given to Pro-  
vincial  
Secretary by  
purchaser.

2. If, at any time, any street railway or any electric railway or any section of any such railway owned by any such company is sold under the provisions of any deed of mortgage thereof, or at the instance of the holders of any mortgage bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding; and is purchased by any person or corporation which has not any corporate powers authorizing the holding and operating thereof by such purchaser, the purchaser thereof shall transmit to the Provincial Secretary, within ten days from the date of such purchase, a notice in writing stating the fact that such purchase has been made, describing the termini and line of route of the railway purchased and specifying the charter or Act of incorporation under which the same had been constructed and operated, including a copy of any writing preliminary to a conveyance of such railway which has been made as evidence of such sale; and immediately upon the execution of any deed of conveyance of such railway the purchaser shall also transmit to the Provincial Secretary a duplicate or an authenticated copy of such deed, and shall furnish to



to the Provincial Secretary on request, any further details or information which he may require.

3. Until he has given notice to the Provincial Secretary in manner and form as provided by the next preceding section, the purchaser shall not run or operate the railway so purchased, or take, exact or receive any tolls whatsoever in respect of any traffic thereon; but after the said conditions have been complied with, the purchaser may continue, until the end of the then next session of the Legislative Assembly, to operate such railway and to take and receive such tolls thereon as the company previously owning and operating the same was authorized to take, and shall be subject, in so far as they can be made applicable, to the terms and conditions of the charter or Act of incorporation of the said company, until he has received a letter of license from the Provincial Secretary, which letter the Provincial Secretary is hereby authorized to grant, defining the terms and conditions on which such railway shall be run by such purchaser during the said period.

Purchaser not to operate railway until notice given.

Provided, however, that in the case of a street railway if a new charter of incorporation affecting such railway be granted under the provisions of *The Street Railway Act* such railway may be operated under and subject to the provisions of the said Act.

4. Such purchaser shall apply to the Legislative Assembly at the next following session thereof after the purchase of such railway, for an Act of incorporation or other legislative authority, to hold, operate and run such railway unless in the meantime in the case of a street railway incorporation has taken place under the provisions of *The Street Railway Act*; and if such application is made to the Legislative Assembly and is unsuccessful, the Lieutenant-Governor in Council may extend the license to such railway until the end of the then next following session of the Legislative Assembly and no longer; and if during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority or secure incorporation under *The Street Railway Act* as aforesaid, such railway shall be closed or otherwise dealt with as may be determined by the Lieutenant-Governor in Council.

Purchaser to be incorporated thereafter.

5. If at any time any railway or any section of a railway as aforesaid is acquired by foreclosure by any person or corporation which has not any corporate powers authorizing the holding or operation thereof, such person or corporation shall comply with and be subject in all respects to the provisions of sections 2, 3 and 4 of this Act as if such persons or corporation were the purchaser of a railway or section of a railway.

Rights of persons acquiring railway by foreclosure.

6. Effect shall be given to this Act as well in any action now pending as in any which may be hereafter brought.

Act to apply in pending actions.

## CHAPTER 33

## The Municipal Amendment Act, 1900.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat.  
c. 223, s. 27,  
amended.

1. Section 27 of *The Municipal Act* is hereby amended by adding after the word "town" in the first line of said section the following words, "containing by the last municipal census at least five thousand inhabitants."

Rev. Stat.  
c. 223, s. 27,  
subs. 2,  
amended.  
Proviso.

2. Subsection 2 of the said section 27 of the said Act is hereby amended by adding at the end of the said sub-section the following words: "Provided that no such town shall in any case be allowed the value of any interest it may have in any county property unless the council of the county in which the said town is situated ratifies and confirms the by-law of such town withdrawing from the county, such ratification and confirmation to be made by by-law of the council of such county."

Rev. Stat.  
c. 223, s. 68,  
amended.

3. Section 68 of the said Act is amended by adding thereto the following:

Forming town  
re-united to  
county into a  
separate  
county council  
division.

"Or the said Board may with the consent of the councils of the county and separated town form the separated town about to be reunited into a division of the county council in addition to the present divisions, to be represented in proportion to population, one member being added for such town when the population thereof is less than any of the county council divisions, and two members being added for such town when the population is equal to that of any of the existing county council divisions. This arrangement shall continue only until a redistribution of the county council divisions shall take place by reason of increase of population or otherwise."

Rev. Stat.  
c. 223, s. 71a  
amended.

4.—(1) Section 71a of the said Act is amended by inserting in subsection 3 thereof after the word "vote" in the fifth line thereof the words "or of a mayor and six aldermen when the population is less than 6,000."

This amendment shall come into force immediately after the passing thereof and in cases where the number of aldermen already

already elected is less than six, additional aldermen shall be elected as soon as possible after the coming into force of this Act. Such election shall be held in the same manner as an election to fill a vacancy in the council.

(2) Section 71*a* of the said Act is amended by inserting therein after subsection 4 the following subsections :—

Rev. Stat.  
c. 223, s. 71*a*,  
amended.

“(4*a*) In any city having a population of more than 15,000, the council may by by-law provide that the aldermen shall be elected by a general vote of the municipal electors, and either by general vote or in two electoral divisions where the population exceeds 40,000, one half the number to be elected by each division ; but such by-law shall not come into force unless and until it has been first submitted to a vote of the electors according to the provisions of this Act with regard to by-laws requiring the assent of the electors. For the purposes of this section the population of any city shall be determined by the then last census of the Dominion of Canada. The persons entitled to vote upon such by-law shall be those who are entitled to vote at municipal elections, and if the submission of such by-law be desired by petition of at least 400 of such electors, it shall be submitted at the then next annual municipal election. If such by-law be carried by the votes of a majority of the municipal electors voting thereon, it shall come into effect at the next annual municipal election. Such by-law may be repealed by a by-law to be submitted to the electors at any annual municipal election held not later than five years after the passing of such first mentioned by-law, the repealing by-law to be submitted to the vote of the municipal electors if petitioned for by at least 400 of such electors.

Aldermen in cities of more than 15,000 may be elected by general vote, or where over 40,000 by general vote in two electoral divisions.

(4*b*) Where, by a vote of the electors taken at a municipal election in any city within a year last past, it has been declared that the election of the members of the council should thereafter be by general vote of the electors and not by wards, a by-law bringing the Act into force may be passed by the council of the municipality before the first day of July next, without submitting the same to a vote of the municipal electors.”

Where already voted on within a year by-law may be passed.

5. Section 129 of the said Act is amended by adding the following subsection :

Rev. Stat.  
c. 223, s. 129  
amended.

“(3*a*) In cities having a population of more than 30,000 every candidate shall on the day of the nomination or on the following day, or when such last named day is a holiday, then before 5 o'clock in the afternoon of the succeeding day file in the office of the clerk of the municipality a statutory declaration in accordance with the form contained in section 311 of this Act or to the like effect, that he possesses the necessary qualification for the office, and in default of his so doing such candidate shall be deemed to have resigned, and his name shall be removed from the list of candidates and shall not be printed on the ballot papers.”

Candidates to file declaration of qualification



Votes in each ward.

6. Section 158 of the said Act, as enacted by section 13 of *The Municipal Amendment Act, 1899*, is amended by inserting after the word "wards" in the second line thereof the words "or in two divisions or by a general vote."

Rev. Stat.  
c. 223, s. 276,  
subs. 1  
amended.  
Four  
controllers.  
Abolition of  
double vote of  
mayor.

7. Subsection (1) of section 276 of *The Municipal Act* is amended by substituting the word "four" for the word "three" where it first occurs in the third line thereof and also in the fourth line; and subsection (2) of the said section 276 is amended by striking out the word "three" in the first line and inserting the word "four" in lieu thereof. Subsection (3) of the said section 276 is amended by striking out the words "in the event of a tie at the Board the Mayor shall have a second or casting vote" in the third and fourth lines thereof.

Rev. Stat.  
c. 223,  
amended.

8. The said Act is amended by inserting therein the following section :

Requisites to  
validity of  
bonus by-law.

" 366 (a) (1). — To render valid a by-law of the municipality for granting a bonus in aid of any manufacturing industry, the assent shall be necessary of two-thirds of all the ratepayers who were entitled to vote on the by-law, unless the number of ratepayers voting against such by-law does not exceed one-fifth of the total number entitled to vote, when the assent of three-fifths only of all the ratepayers shall be necessary, and in addition to the certificate required by section 364 of this Act the clerk, in case of a majority of the votes being in favour of the by-law, shall further certify whether or not, as far as shown by the voters' list and assessment roll, such majority appears to be two-thirds of all the ratepayers who are entitled to vote on the by-law, and if such majority appears to be less than two-thirds of such ratepayers the clerk shall further certify whether or not such majority appears to be three-fifths of all such ratepayers and whether or not the number voting against such by-law appears to be more than one-fifth of the ratepayers so entitled to vote.

(2) In case of a dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(3) The petition to the Judge may be by an elector or by the council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

(4) Provided, however, that in the case of the Districts of Nipissing, Algoma, Thunder Bay and Rainy River, such by-law shall be carried if two-thirds of the ratepayers who actually vote (and being a majority of all the ratepayers entitled to vote) shall vote in favour of the by-law."

Rev. Stat.  
c. 223, s. 591,  
amended.

9. The said Act is further amended by adding at the end of section 591 the following :—

By

"By the councils of counties, townships, cities, towns and incorporated villages;

12. For granting aid by way of bonus for the promotion of manufactures within the limits of the municipality to such person or body corporate and in respect of such branch of industry as the municipal council may determine upon; and to pay any sum of money granted by way of gift or loan either in one sum or in annual or other periodical payments with or without interest and subject to such terms, conditions and restrictions as the said municipality may deem expedient.

By-laws granting aid to manufacturers.

- (a) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for granting bonuses to manufacturing industries. Assent of electors.
- (b) No property owner or lessee interested in or holding any stock in any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid. Shareholders not to vote.
- (c) Any municipality granting such bonus may take and receive security for the compliance with the terms and conditions upon which such aid is given. Security for fulfilment of terms of bonus.
- (d) No by-law shall be passed granting a bonus to or for a manufacturer under this section who proposes establishing an industry of a similar nature to one already established in such municipality unless the owner or owners of such established industry or industries shall first have given their consent in writing to the granting of such bonus, loan or guarantee. Industry not to be aided where one of like nature established without bonus.
- (e) No by-law shall be passed by a municipality for granting a bonus to secure the removal of an industry already established elsewhere in the Province. Not to secure removal of industry from another place in Ontario.
- (f) No such by-law shall be passed for granting a bonus by gift or loan or guarantee of money to any manufacturing industry where the granting of such bonus would for its payment, together with the payment of similar bonuses already granted by said municipality require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation thereof, but if such bonus is by way of loan or guarantee of money then any amount to be repaid annually by any person or company so aided shall be taken into account and shall for the purposes of this paragraph be deducted from the amount required to be levied annually. Nothing herein contained shall relieve the municipal council from liability for neglecting to levy annually the special rate required to repay any debt contracted by the municipality." Aid so given not to exceed 10 per cent. of total tax rate.

Bonus defined.

**10.** The word "bonus" where it occurs in section 366a or subsection 12 of section 591 of *The Municipal Act* as amended by this Act shall mean and include:—

- (a) A grant of money as a gift or a loan, either unconditionally or conditionally.
- (b) The guaranteeing of the repayment of money loaned, and interest.
- (c) The gift of lands owned by the municipality or the purchase of lands as a site for building and works or as a means of access or for any other purpose connected with the manufacturing industry to be aided or the leasing of lands either freely or at a nominal rental for any such purpose.
- (d) The closing up or opening, widening, paving or improving of any street, alley, lane, square or other public place or the undertaking of any other public work or improvement which involves the expenditure of money by the corporation for the particular use or benefit of a manufacturing industry.
- (e) The supplying of water, light or power by the municipal corporation either freely or at rates less than those charged to other persons and corporations in the municipality.
- (f) Generally the doing, undertaking or suffering on the part of a municipal corporation of any act, matter or thing which involves or may thereafter involve the expenditure of money by a municipal corporation.
- (g) A total or partial exemption from municipal taxation or the fixing of the assessment of any property for a term of years, but nothing in this Act contained shall be deemed to authorize any exemption for a longer period than ten years and a renewal of such exemption for a further period not exceeding ten years or any exemption, either partial or total, from taxation for school purposes, or any by-law or agreement which directly or indirectly has or may have the effect of such an exemption.

Rev. Stat.  
c. 223, s. 411,  
repealed.

**11.** (1) Section 411 of *The Municipal Act* as amended by section 25 of *The Municipal Amendment Act, 1899*, is repealed.

(2) Any by-law already voted upon since the first of January, 1900, and any by-law at the present time submitted or being submitted to a vote of the ratepayers providing for a bonus, which would come under the provisions of section 8, 9 and 10 of this Act, and which has been or shall be carried by the vote of the required number of ratepayers, and which shall comply with the other provisions of the said sections 8, 9 and 10 shall be deemed to have been or to be submitted and carried under and in conformity with the terms of the said sections.



**12.** Section 375 of the said Act is amended by striking out the words "the publication shall for the purposes aforesaid be continued" and substituting therefor the words "the said copy and notice shall for the purpose aforesaid be inserted."

Rev. Stat.  
c. 223, s. 375  
amended.

**13.** Subsection 4 of section 384 of the said Act is hereby amended by inserting the following words:—"Iron or other smelting works," after the word "railways" in the first line of said subsection.

Rev. Stat.  
c. 223, s. 384,  
subs. 4,  
amended.

**14.** Subsection 1 of section 397 of the said Act is amended by striking out the words "the publication shall for the purpose aforesaid be continued" and substituting therefor the words "the said notice shall for the purpose aforesaid be inserted."

Rev. Stat.  
c. 223, s. 397  
amended.

**15.** Section 398 of *The Municipal Act* is amended by inserting therein the word "township" immediately after the word "town" in the second line of the said section.

Rev. Stat.  
c. 223, s. 398,  
amended.

**16.**—(1) The said Act is amended by inserting the following as section 424a:

424a. The municipal corporation of every township shall have power to apportion by by-law, among the public school sections in the township, the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective school sections during the past year, or according to the average attendance of pupils at each school section during the same period or according to the assessed value of the property in the section, or by an equal division among the several sections.

Apportionment of public school moneys among school sections in townships.

(2) Section 29 of *The Act to amend the Statute Law* passed at the second session held in the 62nd year of Her Majesty's reign is hereby repealed.

62 V. (2) c.  
11, s. 29  
repealed.

**17.** Subsection 1 of section 435 of *The Municipal Act* is amended by inserting after the word "borrow" in the third line thereof the words "either before or after the passing of the by-law levying the taxes for the current year," and by inserting after the word "levied" in the fifth line thereof the words "or to be levied."

Rev. Stat.  
c. 223, s. 435,  
amended.  
Borrowing for current expenditure pending collection of taxes.

**18.** Section 436 of the said Act is hereby repealed and the following section substituted therefor:—

Rev. Stat.  
c. 223, s. 436  
repealed.

436. Unless specially authorized so to do, and save as hereinafter provided, no council shall make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than \$100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void.

Debentures, etc., not to be for less sums than \$100.

Proviso as to debentures issued for sums which include principal and interest.

Provided that any debenture heretofore or hereafter issued under the authority of any by-law passed under or pursuant to the provisions of sections 384 and 386 of this Act providing for payment of principal and interest together yearly, so computed and apportioned, that the sum of both principal and interest payable under the by-law shall be an even annual sum of not less than \$100 whether such debenture is issued with or without separate interest coupons attached thereto shall be deemed to be a debenture of not less than \$100 within the meaning of this section, and all debentures heretofore or hereafter so issued under such a by-law and otherwise legal are hereby declared valid.

Rev. Stat. c. 223, s. 481, amended.

19. Section 481 of *The Municipal Act* is amended by inserting therein, after the words "police magistrate" in the sixth line of the said section, the words: "in case of the absence from the Province of the police magistrate, the deputy police magistrate, if any, shall be a member of the board for the time being."

Rev. Stat. c. 223, s. 484, amended.

20. Section 484 of said Act is amended by inserting the following subsection:—

Junk shops buying from minors.

(4a) The Board of Commissioners of Police in any city and the council of any town may by by-law prohibit keepers of second-hand shops, or junk stores or shops, from directly or indirectly purchasing from, exchanging with or receiving in pledge from any minor appearing to be under the age of 18 years, without written authority from a parent or guardian of such minor, any metals, goods or articles.

Rev. Stat. c. 223, s. 526, subs. 1.

21. Subsection 1 of section 526 of *The Municipal Act* is hereby amended by striking out the words: "Any two of Her Majesty's Justices of the Peace or of the inspectors appointed as aforesaid may by writing under their hands and seals" at the commencement of the said subsection and inserting in lieu thereof the words: "Any person authorized for that purpose by by-law of the county council may by writing under his hand and seal."

62 V. (2) c. 26, s. 32, subs. (3) repeated.

22. Subsection 3 of the said section 526, as enacted by section 32 of *The Municipal Amendment Act, 1899*, is repealed.

Rev. Stat. c. 223, s. 530, amended.

23. Section 530 of *The Municipal Act* is amended by adding thereto the following subsection:—

Appointment of one auditor by city council.

"(3) Where a city forms part of a county for judicial purposes and pays a proportion of the expenses of the administration of justice, one of the auditors appointed for auditing and approving accounts and demands preferred against the county, a proportion of which is payable by the city, shall be appointed by the city council, the other auditor being appointed by the county council."

**24.** The paragraph numbered 2 in section 532 of the said Act is amended by striking out the words "the by-law" in the 8th line of the said subsection, and inserting instead the words: "a copy thereof certified under the hand of the clerk and the seal of the municipality."

Rev. Stat.  
c. 223, s. 532,  
subs. 2,  
amended.

**25.** Section 536 of the said Act is amended by striking out the figures "200" wherever they occur therein, and substituting therefor the figures "300," and by substituting "400" for "300" in subsection 12, but this amendment shall not apply to cities having 100,000 inhabitants or more.

Rev. Stat. c.  
223, s. 536,  
amended.  
Number of  
electors in pol-  
ling subdivi-  
sions.

**26.** The paragraph numbered 1 in section 549 of the said Act is hereby amended by inserting after the word "posting" in the first line of said section, the words "or exhibiting," and by inserting after the word "placards" in the said first line thereof the words "play bills or posters" and by inserting before the words "or pictures" in the second line thereof the word "photographs."

Rev. Stat.  
c. 223, s. 549  
amended.

**27.** Section 549 of the said Act is amended by inserting therein after the paragraph numbered 9 the following:

Rev. Stat.  
c. 223, s. 549  
amended.

"(9a) For preventing the holding of sparring exhibitions and boxing matches, where an admission fee is charged, unless a permit therefor is issued by the chief of police in cities and towns, or by the reeve in municipalities in which there is no chief of police."

Sparring exhi-  
bitions and  
boxing  
matches.

**28.** The paragraph numbered 6 in section 557 of the said Act is repealed, and the following inserted in lieu thereof.

Rev. Stat.  
c. 223, s. 557  
par. 6 repealed.

"(6) For preventing persons from throwing any dirt, filth, glass, handbills, paper or other rubbish, or the carcasses of animals upon any street, road, lane or highway."

By-laws for  
preventing  
persons from  
throwing dirt,  
etc., in high-  
ways.

**29.** The paragraph numbered 4 in section 566 of *The Municipal Act* as enacted by section 35 of *The Municipal Amendment Act, 1899* is amended by inserting after the word "principal" in the fourth line the words "or of the principal and interest."

Payment of  
principal and  
interest by  
debentures.

**30.** Article (a5) of the said paragraph, as enacted by section 35 of *The Municipal Amendment Act, 1899*, is amended by striking out the words "one month" in the first line and inserting in lieu thereof the words "three months" and by inserting after the word "award" in the second line of the said article (a5) the words "or after the receipt by the municipality of notice of acceptance of the offer" and by inserting after the word "terms" in the fourth line of the said article (a5) the words "of the award" and by striking out the word "thereof" in the said fourth line.

Time for  
withdrawal  
of offer.

**31.** Article (a9) of said paragraph numbered 4, as enacted by section 35 of *The Municipal Amendment Act, 1899*, is

Single arbi-  
trator.

amended



amended by inserting after the word "*Arbitrations*" in the third line of said article (a9) the words "or some other person."

Rev. Stat.  
c. 223, s. 569,  
subs. 5,  
amended.

**32.** Subsection (5) of section 569 of *The Municipal Act* is amended by substituting the word "with" for the word "and" in the fourth line and by striking out the words "has been published for two months" in the fifth and sixth lines of the said subsection.

Rev. Stat. c.  
223, s. 583, par.  
6, amended.

**33.** The paragraph numbered 6 in section 583 of the said Act is amended by inserting the words "and bill distributors" after the word "posters" in the first line thereof.

Rev. Stat. c.  
223, s. 583,  
par. 10,  
amended.

**34.** The paragraph numbered 10 in section 583 of the said Act is hereby amended by inserting the words "theatres, music halls" after the word "profit" in the second line of the said paragraph.

Rev. Stat.  
c. 223, s. 583,  
amended.  
Pedlars'  
licenses.

**35.** The paragraph numbered 16 in section 583 of the said Act is amended by inserting in the said subsection after the word "push-cart" in the fourth line "\$10 for one carrying a pack," and by adding at the end of the said paragraph the words "and every such licensee shall at all times whilst carrying on his business have his license with him and shall upon demand exhibit the same, and upon failing to exhibit the same when demanded shall, unless the same is accounted for satisfactorily, be liable to a penalty of not less than \$1 nor more than \$5, together with costs recoverable before a Justice of the Peace."

Hawkers and  
pedlars  
licenses.

Rev. Stat. c.  
223, s. 583,  
par. 37,  
amended.

**36.** The paragraph numbered 37 in section 583 of the said Act is amended by adding thereto the words "and for regulating and licensing the drivers of cabs and other vehicles for hire."

Rev. Stat. c.  
223, s. 583,  
par. 23 32 V.  
(2), c. 26, s. 37  
(2) repealed.

**37.** The paragraph numbered 23 in section 583 of *The Municipal Act* as amended by subsection 2 of section 37 of *The Municipal Amendment Act, 1899*, is repealed, and the following substituted therefor:—

Licensing  
milk vendors.  
Certificate of  
Local Board  
of Health.

"23. For licensing and regulating milk vendors.

(a) Every applicant for a license under any such by-law shall be entitled thereto upon the production of a certificate signed by the secretary of the Local Board of Health of the municipality in which such applicant resides that he has complied, in all respects, with the provisions of section 10 of the by-law set out in Schedule "B" to *The Public Health Act*.

Inspection of  
premises.

(b) The premises of every person licensed under a by-law passed in pursuance of this paragraph shall at all times be open to inspection by any medical health office.

officer or sanitary inspector of the municipality granting such license.

- (c) A license granted under any such by-law may be suspended for non-compliance with the provisions of section 10 of the said by-law, set out in Schedule B to *The Public Health Act*, by the Local Board of Health of the municipality issuing the license, and unless removed by the Provincial Board of Health, as hereinafter mentioned, such suspension shall continue until such Local Board is satisfied that the provisions of the said section 10 are duly complied with; but where the licensee does not reside in the municipality granting the license such suspension shall not take place until the medical health officer or a sanitary inspector of the Local Board of the municipality granting the license, and a medical health officer or a sanitary inspector of the municipality in which the premises of the licensee are situate, have together examined the premises of the licensee, and it shall be the duty of such medical health officer or sanitary inspector to make such joint examination within twenty-four hours after being required to do so by the chairman of the Local Board of Health of the municipality issuing the license, and if no medical health officer or sanitary inspector of the municipality in which the premises of the licensee are situate shall join in making such examination within twenty-four hours after being so required, the Board of Health of the municipality granting the license may act without any report of such medical health officer or sanitary inspector. Joint inspection.
- (d) If such medical health officer or sanitary inspector of the municipality in which the licensee resides shall join in the inspection, but shall not concur in the suspension of the license, no such suspension shall take place unless it shall first be sanctioned by the Secretary of the Provincial Board of Health. Concurrence in suspension.
- (e) Any licensee whose license has been suspended by a Local Board of Health shall have the right to appeal to the Provincial Board of Health against any such suspension, and such appeal shall be heard upon two days' notice in writing being given to the Board of Health of the municipality granting the license, and the decision of the Provincial Board of Health shall be final. Appeal to Provincial Board of Health.
- (f) Notice of the action of the Provincial Board of Health shall be given in writing, by the Secretary thereof, to each of the parties concerned, and no new license shall be granted to the holder of the suspended license until the suspension is removed, Notice of decision.  
or

or the conditions imposed by the Provincial Board of Health have been complied with."

Rev. Stat.  
c. 250, s. 4,  
declared not  
to be in force.

**38.** To remove doubts it is hereby declared that section 4 of *The Act respecting the Slaughter of Cattle and the Inspection of Meat and Milk Supplies in Cities and Towns* is not and never has been in force in this Province, and the said section shall not come into operation and no proceedings thereunder shall be taken until the close of the next session of the Legislature.

Rev. Stat.  
c. 223, s. 583,  
par. 28,  
amended.  
Revocation of  
licenses to  
tobacconists,  
etc.

**39.** The paragraph numbered 28 in the said section 583 is amended by adding thereto the following words:

"And for revoking any license so granted whenever the council or board deems such revocation desirable, without stating any reason therefor, but in the case of the revocation of a license under any such by-law, the treasurer of the municipality shall refund to the licensee such proportionate part of the license fee as will represent the unexpired portion of the term for which the license was granted."

Rev. Stat.  
c. 223, s. 586,  
amended.

**40.** Section 586 of *The Municipal Act* is amended by inserting therein after the paragraph numbered 1 the following:

Hauling dead  
horses, etc.,  
through the  
streets in  
daylight.

"1a. For preventing the hauling of dead horses, offal, night soil or other offensive matter or things along any street in the municipality to be named in the by-law during the hours of daylight."

Rev. Stat.  
c. 223, s. 587,  
par. 5  
amended.

**41.**—(1) Paragraph numbered 5 in section 587 of *The Municipal Act* is amended by inserting after the word "College," in the second line thereof the words: "or any other University or College within Ontario, or any historical, literary or scientific society, and for creating a debt therefor, and for the issue of debentures for the amount of such debt; and such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and considerations as may be agreed upon."

(2) The paragraph numbered 6 in the said section 587 is amended by inserting after the word "College" in the third line thereof the words: "or any other University or College within Ontario."

(3) The paragraph numbered 8 in the said section 587 is amended by inserting after the word "College" in the third line thereof the words: "or any other University or College within Ontario."

Rev. Stat.  
c. 223, s. 591,  
par. 2,  
amended.

**42.** The paragraph numbered 2 in section 591 of the said Act is amended by adding at the end thereof the following words: "and for aiding in the establishment or maintenance of a band or bands by any corps of active militia within the county



county or for aiding and encouraging amateur athletic or aquatic sports."

43. Section 591 of the said Act is amended by adding thereto the following paragraph:—

Rev. Stat.  
c. 223, s. 591,  
amended.

"11. For aiding and assisting by annual money grant or otherwise as the council may deem expedient any organization owning, manning and working lifeboats or other salvage apparatus for life saving purposes."

Aid to life  
boat associa-  
tion.

44. Section 595 of *The Municipal Act* is amended by adding at the end thereof the following:

Rev. Stat.  
c. 223, s. 595,  
amended.

"Provided that the amount payable as the reward upon any such conviction as aforesaid shall be in the discretion of the Judge but shall not exceed the amount fixed by the by-law."

Horse thieves.

45. Subsection 1 of section 633 of the said Act is amended by inserting the words "or copy" after the word "original" in the 8th line of the said subsection.

Rev. Stat.  
c. 223,  
s. 633 (1),  
amended.

46. The said Act is amended by adding thereto the following as section 672a:

Rev. Stat.  
c. 223,  
amended.

"672a. Every municipal council shall have power to pass a by-law to agree and settle as upon a *quantum meruit* with any contractor or contractors for any work which has been done or shall be done as a local improvement, where such council shall consider the work to have been performed sufficiently for the purposes of such local improvement although not in strict compliance with the contract, and the amount so agreed upon and fixed shall be the amount or part of the amount, as the case may be, for which an assessment may be made upon the properties benefited by such local improvement; and this clause shall apply to all work heretofore done, as well as to future work. Provided that nothing herein shall be construed to enlarge or extend the rights (if any) of any contractor as against a municipal corporation, unless the council thereof shall see fit to pass a by-law hereunder and then only subject to the terms of such by-law."

Settling with  
contractors for  
local improve-  
ments as upon  
*quantum  
meruit*.

Proviso.

47. Subsection 1 of section 678 of the said Act is amended by striking out the word "or" in the second line of said subsection, and by inserting the words "or village" after the word "town" in said second line, and by striking out the word "or" after the word "city" in the eighth line of said subsection and by inserting the words "or village" after the word "town" in the ninth line of the said subsection;

Rev. Stat.  
c. 223,  
s. 678 (1),  
amended.

Granolithic  
sidewalk  
extended to  
villages.

And by inserting after the word "sidewalks" in the third line the words, "or streets;"

Paving of  
streets.

And by inserting after the word "streets" in the eighth line the words, "or of paving any street with macadam, brick, asphalt or other paving material,"

And

And by inserting after the word "sidewalks" in the twelfth line the words, "or of said pavements,"

And by inserting after the word "sidewalks" in the twenty-first line the words, "or streets,"

And by inserting after the word "made" in the twenty-second line the words "or paved."

Rev. Stat.  
c. 223, s. 678,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 678 is amended by inserting after the word "sidewalks" in the second line thereof the words, "or streets,"

Rev. Stat.  
c. 223, s. 678,  
subs. 2a,  
amended.

(3) Subsection 2a of section 678 of *The Municipal Act*, enacted by s. 43 of *The Municipal Amendment Act, 1899*, is amended by striking out the word "or" in the sixth line and by inserting the words "or village" after the word line in said sixth line, and by inserting after the word "city" at the end of the ninth line the words "town or village."

Construction  
of sidewalks.

Paving of  
streets.

And by inserting after the word "sidewalks" in the sixth line thereof the words, "or of paving streets with macadam, brick, asphalt or other paving material,"

And by inserting after the word "sidewalks" in the last line the words, "or pavements."

Rev. Stat.  
c. 223, s. 680,  
subs. 1,  
amended.  
Exemption of  
lands espe-  
cially assessed  
from general  
assessment for  
like pur-  
poses.

48. Subsection 1 of section 680 of *The Municipal Act* is amended by inserting after the word "council" in the third line the words "upon the value of the land only and not of the improvements thereon," and by adding at the end of the said subsection the words "and the value per foot of frontage of the land to be so exempted from any general rate or assessment for the like purpose, shall be estimated for the purposes of such exemption and shall be stated in the notice of assessment provided for in subsection 2 of section 671, and such valuation shall be subject to appeal under subsection 5 of the said section."

Rev. Stat.  
c. 223,  
amended.

49. *The Municipal Act* is amended by inserting therein the following section:—

By-laws  
exempting  
smelting  
works from  
taxation.

"700b. The council of any municipality shall have the power of exempting any iron, steel or other smelting works from taxation, except as to school taxes, for a period not longer than 20 years, subject to the assent of one-third of the rate-payers entitled to vote, as provided by clause a of section 700 of this Act as well as the assent of a majority of the rate-payers voting on such by-law."

Rev. Stat.  
c. 223, s. 714,  
repealed

50. Section 714 of the said Act is repealed and the following substituted therefor:—

Police  
villages.—  
formation of.

"714—(1) The council of any county or the councils of any counties in which an unincorporated village is situated shall set apart such unincorporated village as a police village upon a petition being presented describing the area to be included  
in

in such village and signed by a majority of the ratepayers resident therein.

(2) Where such unincorporated village lies wholly in one county the council shall in and by such by-law fix a time and place for, and shall name a returning officer for conducting the first election of police trustees as hereinafter mentioned, and the date of the first meeting of the police trustees after such election.

Bylaw fixing date—Returning Officers.

(3) Where the territory described in the petition lies within two or more counties the by-law shall be passed by the councils of each of the counties, but the council of the county in which the largest number of the ratepayers resident in such territory reside shall so name the returning officer and fix the time and place for holding the first election for police trustees, and the date of the first meeting of the police trustees after such election."

Council of county containing largest number of resident ratepayers to appoint R. O.

**51.** Section 720 of the said Act is repealed.

Rev. Stat. c. 223, s. 720 repealed.  
62 V. (2), c. 26, s. 49, repealed.

**52.** Section 49 of *The Municipal Amendment Act, 1899*, is repealed, and the following substituted therefor:—

(1) The police trustees of any village may pass by-laws applicable only in the police village for any of the purposes mentioned in section 546 and in paragraph 1 of section 559, and in paragraphs 4, 5, 8, 9, 28 and 29 of section 583, and paragraph 4 of section 591 of *The Municipal Act*; and thereafter no general by-law of the township or either of the townships in which the police village is situate for any of such purposes shall apply in such village.

Police trustees to pass by-laws for certain purposes.

(2) The police trustees of any police village may pass by-laws applicable only in the police village for any of the purposes mentioned in paragraphs 1, 2, 3 and 4 of section 540 of *The Municipal Act* provided there is no township by-law in force for any of the purposes mentioned therein.

**53.** By-laws passed by the police trustees of any police village shall be duly authenticated by the signature of two of the trustees, and a copy of any such by-law certified by one of the police trustees to be a true copy shall be of the same force and shall have the same effect as a copy of any municipal by-law duly certified by the clerk of the municipality in the manner provided by section 334 of *The Municipal Act*, and within seven days after the passing of any by-law by the police trustees of a police village a certified copy of such by-law shall be transmitted to the clerk of the township or of each of the townships in which such police village is situate."

By-laws, authentication, etc., of

**54.** Where the territory comprised in a police village lies in two or more townships, by-laws for the purposes mentioned in section 744 of *The Municipal Act* shall be prepared by the police trustees and shall be submitted to a vote

Fire protection, etc., submitting by-law to ratepayers.

of



Assessment  
based on last  
equalization.

Council to levy  
and collect  
rates.—De-  
bentures,  
issue of

Rev. Stat.  
c. 223,  
amended.

Assessors of  
townships to  
determine  
proportion.

Inspecting  
trustee to act  
as arbitrator  
in case of dis-  
agreement.

Meeting of  
assessors.

License fees,  
payment of.

of the ratepayers by the police trustees in the same manner as nearly as may be, as in the case of by-laws submitted by a municipal council. The amount to be assessed and levied upon the property in each of the townships in which the police village lies respectively shall be based upon the last equalization of the assessment by the assessors of the said townships to be made as hereinafter provided, and the police trustees shall in and by such by-law ascertain the amount to be raised by the council of each of the townships in which the police village lies. The by-law shall name some person to act as returning officer upon the taking of the vote of the ratepayers. Upon such by-law receiving the assent of a majority of the ratepayers entitled to vote, and being passed by the police trustees the trustees shall serve a certified copy of such by-law upon the clerk of each of the townships in which the territory comprised in the police village is situated: and the council of each of such townships shall levy and collect the rates required by said by-law within the territory under the jurisdiction of such council. And the council of each of such townships shall issue debentures for the proportion required to be raised by the council of such township.

**55.** *The Municipal Act* is amended by inserting therein the following as section 739a:—

739a.—(1) The assessors of two or more townships in which a police village is situated, immediately after the formation of such police village, shall meet and determine what proportion of the annual requisition made by the police trustees of such police village for the purposes of the said police village shall be levied upon and collected from the taxable property of the respective municipalities out of which the police village is formed, and notice of such determination shall be given forthwith to the inspecting trustee of the police village concerned, and the said assessors shall meet thereafter in every second year after they have completed their respective assessments for the like purpose.

(2) In the event of the assessors disagreeing as to the proportions as aforesaid notice shall be forthwith given to the inspecting trustee of the police village, who shall act as arbitrator and with the assessors aforesaid shall determine the said matter and report the same to the clerk of each of the respective townships within one month of the date upon which the said notice of disagreement was given and the decision of a majority shall be final and conclusive until the next equalization of the assessment.

(3) The meeting of the assessors for the purposes hereinbefore set forth shall be called by the assessor of the township in which is situated the larger portion of the assessable property of the police villages."

**56.** All sums collected for license fees or for penalties for offences against any by-law passed by the police trustees of

a police village or against any regulation contained in section 747 of *The Municipal Act* shall be paid over to the treasurer of the township in which the licensee resides or carries on business or in which the offence was committed.

**57.** Section 723 of *The Municipal Act* is amended by adding thereto the following subsection:

Rev. Stat.  
c. 223, s. 723,  
amended.

(3) The police trustees may by by-law provide that the nomination for police trustees may be held at half-past seven in the evening instead of the hour in the said section mentioned."

Nominations  
in police  
villages.

**58.** Section 739 of the said Act is amended by striking out all the words after the word "township" in the fourth line and inserting in lieu thereof the words "according to the proportions determined by the assessors under section 739a of this Act."

Rev. Stat.  
c. 223, s. 739,  
amended.

**59.** Section 742 of the said Act is amended by adding at the end thereof the words "and he shall in like manner pay any such order to the extent of the moneys received by him for licenses under any by-law passed by the police trustees of the police village and for breaches of any such by-law and for penalties under section 747 of *The Municipal Act*."

Rev. Stat.  
c. 223, s. 742,  
amended.

Payment of  
license fees  
and penalties.

**60.** Section 748 of the said Act is amended by striking out all the words after the word "offender" in the twelfth line.

Rev. Stat.  
c. 223, s. 748,  
amended.

**61.** Any municipal corporation which, under the authority of *The Municipal Act*, has established or acquired, or hereafter establishes or acquires, an electric plant for the purpose of producing electricity for light and heat in the municipality in accordance with *The Municipal Light and Heat Act*, may, subject to the provisions of the next succeeding section, sell or lease, for any use for which electrical power can be used in the municipality, that electrical power or energy necessarily produced by such plant in producing electricity for light and heat which is in excess of that immediately required for the purpose above mentioned.

Municipality  
selling elec-  
trical power.

**62.** Except as provided by *The Municipal Light and Heat Act* and by the preceding section, no municipal corporation shall sell, lease, furnish or supply electrical power or energy to any person or corporation in a municipality where an incorporated company, firm or individual is engaged in producing and disposing of electrical power or energy for value or as a commercial product.

Not to sell  
when company  
engaged in  
producing  
power or  
energy.

## CHAPTER 34

## The Assessment Amendment Act, 1906.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 224, s. 7, s-s.  
4 amended.  
Exemption of  
colleges, etc.

1.—(1) Sub-section 4 of section 7 of *The Assessment Act* is amended by inserting in the first line after the words "attached to" the words "or otherwise *bona fide* used in connection with and for the purposes of."

(2) Subsection 4, clause a, of section 7 of the said Act is amended by inserting in the first line after the words "attached to" the words "or otherwise *bona fide* used in connection with and for the purposes of."

Rev. Stat.  
c. 224, s. 7  
amended.

2. Section 7 of the said Act is amended by adding after sub-section 10 thereof the following sub-section:

Exemption of  
Children's  
Immigrant  
Aid Societies  
and  
Children's Aid  
Societies.

(10a) The property of any incorporated society operating in Ontario under chapter 262 of the Revised Statutes of Ontario, *An Act to Regulate the Immigration into Ontario of Certain Classes of Children*, or of any children's aid society incorporated under *The Children's Protection Act of Ontario*, being only property used exclusively for the purposes of and in connection with such society.

Rev. Stat., c.  
224, s. 46, subs.  
1 amended.  
Personal  
property in  
hands of trus-  
tees.

3. Sub-section 1 of section 46 of the said Act is hereby amended by inserting in the third line after the word "administrator" the words "and which if in the possession of the beneficiary or beneficiaries would be liable to taxation," and inserting after the word "person" in the third line the words "trustee, guardian, executor or administrator."

Rev. Stat., c.  
224, s. 46, s-s.  
2 amended.  
Assessment of  
trustees, etc.

4. Sub-section 2 of section 46 of the said Act is hereby amended by inserting in the 8th line after the word "character" the words "subject to the provisions of subsection 1 of this section."

Rev. Stat. c.  
224, s. 62,  
subs. 2,  
amended.

5. Subsection 2 of section 62 of the said Act is amended by striking out the words "at the rate of not more than \$500" in



in the second and third lines thereof, and by inserting in lieu thereof the following words, "such sum"; and by inserting after the word "services" in the third line the following words: "as the council may by by-law or resolution provide."

Remuneration  
of members  
Court of  
Revision.

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## CHAPTER 35

An Act respecting the enforcement of certain contracts entered into with Municipal Corporations.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Where duties, obligations, or liabilities are or have been heretofore imposed by statute upon any person, company or corporation in favour of a municipal corporation, or the inhabitants, or a portion of the inhabitants thereof, or where contracts or agreements are or have heretofore been created, enacted or validated by statute which impose such duties, obligations or liabilities, every such municipal corporation shall have the right by action to enforce such duties, obligations and liabilities either in favour of the corporation, or of the said inhabitants, and to obtain as complete and full relief, and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney-General had he been a party to the said action as plaintiff, or as plaintiff at the relation of any person or corporation interested.

Right of  
action of  
municipal cor-  
poration to  
enforce agree-  
ments with  
companies,  
etc.

## CHAPTER 36

An Act authorizing Municipal and other Grants for  
the benefit of Canadians on Military Service in  
South Africa.

*Assented to 30th April, 1900*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:

Grants for  
benefit of  
persons  
serving in  
military  
forces in  
South Africa  
validated..

1.—(1) All grants of money heretofore or which may hereafter be voted by any municipal council within the Province by way of contribution in aid of the members of the Canadian forces sent to South Africa for service during the present South African war by way of supplementing the pay of the members of such forces, or making provision for their equipment, or by way of insurance or other provision for them or for the families of or persons dependent upon any of the members of the Canadian forces so sent as aforesaid or by way of contribution to the Canadian Patriotic Fund Association or the Canadian Branch of the British Red Cross Society or any local Patriotic Association for similar purposes or objects are hereby made and declared legal and valid.

Issuing  
debentures.

(2) Any such grant may be paid out of the general funds of the municipality, or for the purpose of making the same the council may pass by-laws for issuing debentures payable within ten years at furthest from the date thereof, and borrowing thereon the amount so granted in the manner provided by *The Municipal Act* with respect to by-laws for the creation of debts, but it shall not be necessary to obtain the assent of the ratepayers to the passing of any such by-law.

Rev. Stat.  
c. 223.

Grants made  
by companies  
validated.

2. All grants for the purposes aforesaid heretofore or which may hereafter be made by any incorporated company within the legislative jurisdiction of this Province are hereby confirmed and declared to be legal and valid and within the powers of any such company, anything in any Act contained or otherwise to the contrary notwithstanding.

## CHAPTER 37

## An Act to permit Municipalities to use Voting Machines.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in *The Municipal Act*, or any amendments thereto, the council of any municipality may by by-law passed by an affirmative vote of not less than two-thirds of the whole council provide that thereafter the use of ballot-boxes and ballot-papers at municipal elections shall be discontinued, and may adopt for use at elections any kind of voting machine that complies with the requirements of this Act, and thereupon and thereafter such voting machines so adopted may be used for voting, registering and counting votes cast at all municipal elections held in such municipality, and such municipality may at any time by a majority vote of the whole council repeal such by-law.

Adoption of  
voting  
machines by  
by-law.

2. Any voting machine so adopted must be constructed so as to provide facilities for secret voting for any candidate for whom or on any question or by-law on which the voter is lawfully entitled to vote, and must also be so constructed as correctly to register every vote of every description that may be cast. It must be so constructed as to enable the voter to vote for as many candidates for each office as he is entitled by law to vote for and no more, and also to prevent him from voting for more candidates for each office than he is entitled to vote for, or for the same candidate more than once, unless authorized by law so to do, or upon the same question or by-law more than once; and all such voting machines must be of such construction as will permit the exercise by each voter of the full rights and privileges as a voter that he would have had under the provisions of *The Municipal Act* and amending Acts had this Act not been passed.

Requirements  
as to construction  
of  
machine.

3. Whenever any municipality has passed a by-law adopting any such voting machine, where a poll is required, the clerk of the municipality shall procure or cause to be procured for each polling place in the municipality one such voting machine (or more if required) in complete working order, and shall properly adapt all such machines for use at such elections or voting by placing or causing to be placed within or upon the

Duty of clerk  
when machine  
is to be used.



the ballot frames of all such machines, cardboard, paper or other material containing the names of the candidates for office or offices and a statement of any proposed by-law or question with the words "for" and "against," or "yes" and "no." He shall thereafter preserve and keep the said machines in repair, and shall have the custody of the same when not in use at an election or voting.

Delivery of machine to deputy returning officer.

4. It shall be the duty of the clerk of each municipality in which any voting machine has been adopted, two days at least before the day fixed for holding a poll at any municipal election or voting to deliver to the deputy returning officer for each polling subdivision one voting machine (or more if required) of the kind adopted by the municipality, in complete working order and properly adapted for use as aforesaid.

Duty of deputy returning officer.

5. It shall be the duty of the deputy returning officer in every ward or polling subdivision, as the case may be, who has not been so supplied with such voting machine within the time prescribed, forthwith to procure one in complete working order and adapted as aforesaid, and he may issue his order for the cost of the same upon the treasurer of the municipality in which such ward or polling subdivision is situate, and the treasurer shall pay to the Deputy Returning Officer the amount of the order.

Penalty for clerk failing to furnish machine.

6. If the said clerk fails to furnish a voting machine or voting machines in the manner hereinbefore provided, he shall incur a penalty of \$100 in respect of every voting machine which he has failed to furnish in the manner prescribed.

Secrecy of voting.

7. Every polling place shall be furnished with a compartment so arranged or screened that the use and operation of the voting machine by the voter when voting cannot be seen, observed or known by any other person, unless such person be inside the compartment at the same time; and the voting machine shall be placed at a sufficient distance from every wall or partition of the polling room and from any guard-rail or table at which any of the election officers or agents may be engaged or seated to prevent any interference with the voter; and it shall be the duty of the clerk of the municipality and of the Deputy Returning Officers respectively to see that a proper compartment for that purpose is provided at each polling place.

Procedure before opening poll.

8. The Deputy Returning Officer shall have at the polling booth before the opening of the poll and shall open and expose to view in presence of any candidate or the agent of any candidate who may be present, the dials upon the register and other parts of the mechanism of the said machine, and he shall then lock the same and place his seal upon the lock and the keys thereof shall remain in his possession during the polling,  
and

and the said registers shall not be reopened until the close of the voting.

9. Instead of the ballot papers being delivered to the voter to be marked by him he shall proceed to the voting compartment and shall there record his vote by means of such machine and according to the instructions provided for its use; and immediately after having recorded his vote or votes shall retire therefrom and shall not be permitted to re-enter therein on any pretext whatever; only one voter at a time shall be permitted to enter the compartment to vote or to be in any position in which he can observe for whom or how any other votes.

Mode of voting.

10. Wherever any such voting machine is used at any election, in lieu of the directions to voters provided by *The Municipal Act* the deputy returning officer shall be provided with directions to voters set out in the Schedule A to this Act and all the provisions of *The Municipal Act* respecting the use of the said directions to voters shall apply to the directions prepared under this Act.

Directions to voters.

11. The deputy returning officer shall place or cause to be placed in the columns of the poll book headed "Mayor," "Reeve," (or "Mayor and Reeve"), "Alderman," "County Councillor," "Councillor," "By-law," "By-laws," or "Question," as the case may be, his initials opposite the name of every voter who records or registers his vote, to denote that the voter has voted for mayor, reeve, alderman, or county councillor, or on certain by-laws or questions, as the case may be.

Marking poll book.

12. (1) In the case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from using the said voting machine, or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, the deputy returning Officer shall in the presence of the agents of the candidates, record and register the vote of such person by means of the said machine, as directed by such person; and the deputy returning officer shall state or cause to be stated in the poll-book by an entry opposite the name of such person in the proper column of the poll-book that the vote of such person is marked in pursuance of this section and the reason why it is so marked.

Incapacitated voters.

(2) The declaration aforesaid may be in the form of Schedule "B" to this Act, and shall at the time of the polling be made by the person claiming to be entitled to vote before the deputy returning officer who shall attest the same as nearly as may be according to the form given in Schedule "C" to this Act and the said declaration shall be given to the deputy returning officer at the time of voting

Declaration of incapacity.

Recording  
number of  
votes at close  
of poll.

**13.** Immediately after the close of the poll the deputy returning officer shall in the presence of the persons entitled to be present as provided by *The Municipal Act* expose the face of the registers and take down the numbers recorded thereon and shall make out and deliver to the Returning Officer and to such of the persons present as may desire the same a certificate of the result of the voting as provided in sections 174 and 176 of *The Municipal Act*, and he shall then in the presence of the said persons relock and seal the said voting machine and shall forthwith return the same together with the keys and the said certificate and voters list under seal to the clerk of the municipality.

Rev. Stat.  
c. 223.

Clerk to sum  
up votes.

**14.** Upon receiving the voting machine and sealed packages from the deputy returning officer, the returning officer shall in the presence of the persons present count the number of votes shown by the statements of each of the deputy returning officers as the number of votes given for each candidate and shall make his declaration of the result of the election in the same manner as provided by *The Municipal Act*.

Rev. Stat.  
c. 223.

Keeping  
machines  
locked and  
sealed after  
election.

**15.** All voting machines shall remain locked and sealed for a period of six months next succeeding the date of any election, or until it is necessary to prepare the voting machines for another election, and shall not be opened nor their contents examined during that time except by order of a Court or Judge of competent jurisdiction.

Recount of  
votes.

**16.** In any case in which inspection of voting machines or a recount is demanded, such demand shall be made within fourteen days after the voting machine or machines has or have been returned to the clerk of the municipality, and the powers of the county judge of the county in which the municipality is situated with regard to production and inspection of the certificates, books and voting machines returned to the clerk shall, so far as applicable, be the same as the procedure and powers with reference to ballot-papers and other documents under sections 189 to 192, both inclusive, of *The Municipal Act* in case of elections where ballot-papers and ballot-boxes are used.

Penalty for  
interfering  
with voters.

**17.** No officer, clerk or agent, and no other person shall interfere with or attempt to interfere with a voter when voting, or shall otherwise attempt to obtain at a polling place information as to the candidate or candidates for whom any voter at such polling-place is about to vote or has voted.

(2) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling-place as to the candidate or candidates for whom any voter at such polling-place is about to vote or has voted.

(3) Every person who acts in contravention of this section shall be liable, on summary conviction before a stipendiary magistrate



magistrate, police magistrate or two justices of the peace to imprisonment for any term not exceeding six months, with or without hard labour.

**18. No person shall**

(a) Without due authority destroy, take, open, alter or otherwise interfere with any voting machine ; or

Interfering  
with machine.

(b) Apply to vote in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person ; or advise, abet, counsel or procure any other person so to do ; but this provision shall not be construed as including a person who applies to vote believing that he is the person intended by the name entered on the voters' list in respect of which he so applies ; or

Personation.

(c) Having voted once and not being entitled to vote again at an election apply at the same election to vote in his own name, or advise or abet or counsel or procure any other person so to do.

Repeating.

(2) No person shall attempt to commit any offence specified in this section.

Attempts.

(3) A person guilty of any violation of this section shall be liable, if he is the clerk of the municipality, to imprisonment for any term not exceeding two years, with or without hard labour ; and if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour.

Penalty.

(4) The provisions of section 193 of *The Municipal Act* shall *mutatis mutandis* apply to every election held or conducted as hereinbefore provided.

Application  
of Rev. Stat.  
c. 223, s. 193.

**19.** The provisions of *The Municipal Act* with regard to municipal elections shall, save where inconsistent with the provisions hereof, apply to every election conducted as hereinbefore provided.

Application  
Rev. Stat.  
223.

## SCHEDULE "A."

### DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments provided in the polling booth and there cast his vote for the candidate or candidates, as the case may be, and upon by-laws and questions upon which he is entitled to vote by means of the voting-machine in the said compartment.

The voter shall not vote or attempt to vote for more candidates for any office than he is entitled by law to vote for ; nor shall he vote or attempt to vote for the same candidate more than once except in the case where two County Councillors are to be elected ; nor shall he vote or attempt to vote upon the same question or by-laws more than once.

If the voter votes or attempts to vote for more candidates for any office than he is entitled to vote for, or for any candidates more than once when he is not authorized by law to do so, or upon some question or by-law more than once, his vote or attempt to vote will be void so far as it

relates

relates to the office, question or by-law as to which he makes such attempt and his vote will not be counted for any of the candidates for such office or upon such by-law or question as the case may be.

In case the voting machine is provided with levers the voter shall turn down or pull the lever, as the case may be, opposite the name or names of the candidate or candidates and opposite the affirmative or negative of the by-law or question upon which he is entitled to vote.

In the case of a voting machine where voting pellets are used the elector will receive from the deputy returning officer a voting pellet, with this he will go into the voting compartment and deposit the pellet in the circular hole through the lid of the box in the section containing the name of the candidate or candidates for whom he wishes to vote, or the affirmative or negative of the by-law or question on which he wishes to vote.

The voter shall only remain in the compartment of the polling booth where the voting machine is situated for sufficient time to enable him to vote and immediately after having recorded his vote or votes he shall retire therefrom and shall not be permitted to re-enter therein on any pretext whatever.

Any officer, clerk, or agent or other person who shall interfere with, or attempt to interfere with a voter when voting will be liable to imprisonment for any term not exceeding six months with or without hard labour.

If any person without due authority destroys, takes, opens, alters, or otherwise interferes with any voting machine he shall be liable to imprisonment for a term not exceeding six months with or without hard labour.

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## SCHEDULE B.

### FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, *A. B.*, of \_\_\_\_\_, being numbered on the voters' list for polling subdivision number \_\_\_\_\_, in the city (*or as the case may be*) of \_\_\_\_\_ and county of \_\_\_\_\_, being a legally qualified elector for the said city (*or as the case may be*) of \_\_\_\_\_, do hereby declare that I am unable to read (*or that I am from physical incapacity unable to use voting machine provided for voting at municipal elections in the said polling subdivisions*).

(*A. B. his X mark.*)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_\_.

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## SCHEDULE C.

### FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO DECLARATION OF INABILITY TO READ, ETC.

I, *C. D.*, the undersigned being the deputy returning officer for polling subdivision number \_\_\_\_\_ for the city (*or as the case may be*) of \_\_\_\_\_, do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above-named *A. B.*, was signed by him in my presence with his mark.

(Signed) *C. D.*  
Deputy Returning Officer for polling subdivision No. \_\_\_\_\_, in the city (*or as the case may be*) of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_.

## CHAPTER 38

## The Drainage Amendment Act, 1900.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 76 of *The Municipal Drainage Act* is amended by inserting after the word "municipalities" in the third line thereof the words "or when constructed by statute labour or partly by statute labour and partly by general funds." Rev. Stat. c. 226, s. 76, amended.

2. The said Act is amended by inserting therein the following section as section 77a. Rev. Stat. c. 226 amended.

77a. It shall be lawful for the council of any municipality to pass a by-law or by-laws providing that it shall be the duty of the owner of every lot or part of a lot assessed for benefit to clean out the drain and keep the same free from obstructions which may hinder or impede the free flow of the water, and to remove therefrom all weeds and brushwood and to keep the banks of the drain in order to the extent and in manner or proportion and for the distance determined by the engineer in his report, and in case any such owner makes default in so doing for thirty days after notice in writing from the council of the municipality the work may be done by the said council or by any officer appointed by them for the purposes of the said drain and the cost thereof after notice of the same to the person so making default and liable therefor shall be placed on the collector's roll against the lands of such owner and shall be chargeable against the said lands and be collected in the same manner as other municipal or drainage assessments. Duty of owners as to cleaning out and keeping banks in order.

(2) The said Act is amended by inserting therein the following section as section 10a. Rev. Stat. c. 226 amended.

10a. Such by-law may further provide that the engineer or surveyor shall in his report state the portion of the said drain already or thereafter to be constructed which shall be by each owner assessed for benefit, cleaned out and kept clear and free from obstructions and in good order as prescribed by the above section 77a of this Act. Engineer to apportion work of cleaning out drain among owners.

3. Section 83 of the said Act is hereby amended by striking out the words "payable within seven years from" Rev. Stat. c. 226, s. 83, amended.



Maintenance  
debentures.

from the date thereof" in the fifth line thereof and inserting after the word "debentures" in the eighth line thereof the following words, "where such debentures are issued for the cost of repair, such as change of course, new outlet, improvement, extension, alteration or covering pursuant to the provisions of section 75 of this Act, such debentures shall be payable within twenty years from the date thereof, and where such debentures are issued for the cost of repairs pursuant to any other sections of this Act such debentures shall be payable within seven years from the date thereof."

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## CHAPTER 39

### An Act to amend The Municipal Arbitrations Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 227,  
amended.

*The Municipal Arbitrations Act* is amended by adding thereto the following section:—

Repeal of by-  
law bringing  
Act into force.

15a. The council of any municipality which has passed a by-law under section 15 of this Act may repeal the same by by-law passed at any time after the expiration of six months from the passing of such first-mentioned by-law and upon the passing of such repealing by-law this Act shall cease to apply or be in force in such municipality.

## CHAPTER 40

An Act to amend the Act to regulate Travelling  
on Public Highways and Bridges.*Assented to 80th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 1 of *The Act to regulate Travelling on Public Highways and Bridges* is hereby amended by inserting after the word “animals” in the third line of such sub-section the words “or a traction engine used for threshing or other purposes.”

Rev. Stat.  
c. 236, s. 1,  
sub.-s. 1  
amended.

Rule of the  
road—traction  
engines.

2. Section 3 of said Act is hereby amended by adding thereto the following sub-sections:

Rev. Stat.  
c. 236, s. 3  
amended.

(2) In case of a portable or traction engine, used for threshing or other purposes, being met or overtaken on a highway by a vehicle drawn by a horse or horses, or by any animal, or by a mounted horseman, the driver of the portable or traction engine so met or overtaken shall, if practicable, turn out to the right and give such vehicle or horseman at least one-half the road, and shall in all cases stop and remain stationary until the vehicle or horseman has safely passed, and shall, if requested by the driver of the vehicle or by the horseman, assist such driver or horseman to pass without damage.

Driver of  
engine to turn  
to the right  
and stop.

(3) Every person in charge of a traction engine, used for threshing or other purposes, and being upon any public highway and about to meet or be passed by any vehicle drawn by a horse or horses or by any animal, or by a mounted horseman, shall stop when at a distance of not less than one chain from such vehicle or horseman, and shall remain stationary until the vehicle or horseman shall have safely passed such traction engine.

To stop until  
other vehicles  
have passed.

(4) When any such traction engine is using a public highway or bridge between sunset and sunrise, it shall be the duty of all persons in charge thereof to see that some person shall walk, ride or drive ahead of it, carrying a light so as to give warning to persons in charge of approaching vehicles or animals, such person with such light to be and continue at least one chain in front of the engine; and it shall be the duty of such person also

Lights to be  
carried ahead  
of engine.

to

to warn the driver of such traction engine to stop when an animal or vehicle is drawing near, and also to warn the person in charge of such animal or vehicle of such engine.

Lights to be carried on engine.

(5) Every such portable or traction engine used as aforesaid shall, after sunset and before sunrise, carry a bright red light in a conspicuous place in front, and a green light on the rear of the engine or of any vehicle which may be attached to it.

Noises not to be made when other vehicles, etc., passing.

(6) It shall be the duty of the driver or of the person in charge of any portable or traction engine used as aforesaid, to see that such engine makes no noise by whistling or otherwise when any horse or animal aforesaid is passing or is near or is about to pass the same on any highway.

## CHAPTER 41

### An Act respecting Travelling Shows.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Rev. Stat.  
c. 244, s. I,  
amended.

1. Section 1 of *The Act respecting Travelling Shows, Circuses and other Exhibitions*, is amended by striking out the words "other travelling show of a similar nature" in the second line and inserting in lieu thereof the words "travelling show of any kind whatsoever," and the said section is further amended by inserting the words "without extra charge for admission thereto" after the word "exhibition" in the third line.

License, when municipal corporation to issue.

2. No municipal corporation shall issue a license to any menagerie, circus, wild beast show, or other show to which section 1 of the said Act applies until the applicant for such license produces a license from the Provincial Treasurer for exhibiting in the Province of Ontario; and any member or officer of a municipal corporation who is a party to the issue of



of any license in violation of the provisions of this section shall be liable on summary conviction to a fine of \$20 besides cost.

3. Section 4 of the said Act is amended by adding at the end of subsection 1 the words "or that the licensee or persons connected with the show have permitted gambling to be carried on or any game of chance." Rev. Stat. c. 244, s. 4. amended.

4. Section 2 of the said Act is amended by inserting after "\$50" in the seventh line thereof the words "in advance." Rev. Stat. c. 244, s. 2, amended.

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## CHAPTER 42

### An Act to amend the Act respecting Brewers' and Distillers' and other Licenses.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Subsection (1) of section 10 of the Act passed at the second session held in the 62nd year of Her Majesty's reign, chapter 31, being *An Act to amend the Act respecting Brewers' and Distillers' and other Licenses* is hereby amended by striking out all the words after the words "or brewer" in the sixth line thereof, down to the word "and" in the ninth line thereof and by striking out the words after the words "business of" in the fourteenth line down to the words "brewery or" in the sixteenth line thereof and inserting instead thereof the word "such," and by striking out that portion of the said subsection after the words "as aforesaid" in the 23rd and 24th lines thereof and inserting in lieu thereof the following "nor shall it be necessary to include in the said return or affidavit the value of the building and plant used in malting or fattening of cattle or swine or of any other like business carried on in connection with the brewery or distillery either in proximity thereto or elsewhere nor of the stock of malt on hand."

62 V. (2), c. 31, s. 10, sub-s. 1, amended.

Returns by brewers and distillers.

62 V. (2),  
c. 31, Sched. N,  
amended.

2. Schedule N of the said Act is amended by striking out of paragraph 4 of Form 1, paragraph 5 of Form 2 and paragraph 4 of Form 3, the words after the words "(or distiller)" in the fourth lines down to the word "and" in the seventh lines of the said paragraphs respectively.

Payment of  
license fee.

3.—(1) If the applicant for a brewer's provincial license so desires the annual license fee or duty payable to the Province may be paid on or before the 1st day of October in each year.

Permit for  
first half year  
on payment of  
instalments.

(2) In such case the minister may issue to the applicant a permit which shall remain in force for a period of five months that is to say from the first day of May in the year in which it is issued until the first day of October of the same year and no longer, and while in force shall confer on the holder the same privileges and authority as if he had obtained a license.

Form and  
duration of  
permits.

(3) The Lieutenant-Governor in Council may direct the issue of permits in such form as he may provide to be used in place of licenses and such permits shall be signed by the Minister and dated as of the first day of May in each year and shall be absolutely void and of no effect after the first day of October in the year in which the same is issued.

Applications  
of provisions  
of Rev. Stat.  
c. 245.

(4) All the provisions of *The Liquor License Act* with regard to licenses and offences and penalties shall apply to persons holding permits in the same manner and to the same extent as if such persons were licensees.

"License" to  
include per-  
mit.

(5) It shall not be necessary in any proceedings under the said *The Liquor License Act* to specify or particularize the permit, but the same shall be included for all such purposes in the word "license."

Act to be read  
with Rev.  
Stat. c. 245.

4. This Act shall be read with and as part of *The Liquor License Act*, and shall come into force immediately upon the passing thereof.

## CHAPTER 43

## An Act to amend The Ontario Shops Regulation Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. *The Ontario Shops Regulation Act* is hereby amended by adding thereto the following section : Rev. Stat., c. 257 amended.

20a. (1) Every person contracting for the manufacture of coats, vests, trousers, overalls, cloaks, caps, drawers, blouses, waists, waist bands, underwear, neckwear, shirts, or any parts thereof, or any other garment or article of clothing, or giving out for improvement, manufacture or alteration, incomplete material from which the said articles, or any of them, are to be made, or to be wholly or partially altered or improved, shall keep a written register of the names and addresses, serially numbered, of all persons to whom such work or material is given to be made, altered or improved, or with whom he may have contracted to do the same ; and such register shall at all times be kept prominently posted up in the office of the person so giving out such articles for manufacture, alteration or improvement. Register of names and addresses to whom work or material given to be kept.

(2) Every article so made, altered, or improved, as aforesaid, shall bear upon a label attached thereto the register number, or the name and address of the person to whom the same was given for manufacture, alteration, or improvement, and any false statement upon such label shall render the person making the same liable to the penalties provided by this Act for making a false entry in any register, notice, certificate, or document. Articles altered, etc., to have label attached.

(3) No person shall knowingly sell or expose for sale any of the articles mentioned in this section and made in any dwelling house, tenement house, or building forming part of or in the rear of a tenement or dwelling house, without a permit from the inspector, stating that the place of manufacture is thoroughly clean and otherwise in a good sanitary condition. Such permit shall state the maximum number of persons allowed to be employed upon the said premises and shall not be granted until an inspection of the premises is made by the inspector. The permit may be revoked by the inspector at any time if, in his opinion, the protection of the health of the community, Permission to sell by the inspector.



munity, or of those so employed upon the said premises, renders such revocation desirable.

Articles in unclean or unhealthy condition to be impounded.

(4) When any article mentioned in this section is found by the Inspector to be made under unclean or unhealthy conditions, or upon any unregistered premises, he shall seize and impound the same and affix thereto a label bearing the words "unsanitary" printed on a tag not less than four inches in length; and shall immediately notify the local board of health, whose duty it shall be to disinfect the said article, and thereupon remove such label. The owner of any such article shall after it has been disinfected be entitled to have the same returned to him upon first paying the costs of such seizure and disinfection.

Inspector to report unclean or unhealthy conditions to Local Board of Health.

(5) If the Inspector finds evidence of unclean or unhealthy conditions, or infectious or contagious disease present in any workshop, or in any tenement or dwelling where any of the articles hereinbefore mentioned is made, altered or improved, or in any goods manufactured or in process of manufacture on such premises, he shall forthwith report the same to the local board of health, and the said local board of health shall forthwith issue such order as the public health may require, or may condemn and destroy all such infectious and contagious articles, or any articles made, altered or improved, or in process of manufacture under unclean or unsanitary conditions as aforesaid.

## CHAPTER 44

### An Act to amend The Act for the Prevention of Accidents by Fire in Hotels and other Like Buildings.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c 264, s. 3, ss. 2, amended

Subsection 2 of section 3, of *The Act for the Prevention of Accidents by Fire in Hotels and other Like Buildings* is amended by adding thereto the following, "Provided that the provisions of this subsection shall be deemed to be sufficiently complied with by the substitution for the rope therein mentioned with the approval of the Inspector, of the fire escape known as 'the Natural Drop Fire Escape' consisting of a cylindrical casing made of canvas or any other suitable material and provided at the top with a metal ring supported by chains from the window, the lower portion of the casing extending into proximity with the ground."

Use of Natural Drop Fire Escape permitted.

## CHAPTER 45

An Act to amend the Act to preserve the Forests  
from destruction by Fire.*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. *The Act to preserve the Forests from destruction by Fire* Rev. Stat., c.  
267, amended  
is amended by inserting therein the following sections:

12a. For the more effectual prevention or suppression of fires Appointment  
of rangers for  
lands not  
under license.  
on the lands of the Crown not under timber license or other  
form of authority to cut and remove the timber therefrom,  
the Commissioner of Crown Lands may appoint such number  
of persons as he may see fit, to be called fire rangers, who shall  
be subject to his instructions, and the said Commissioner may  
pay them for their services out of any moneys voted by the  
Legislative Assembly therefor.

15b. Where Crown lands are under timber license or other Appointment  
of rangers for  
lands under  
license.  
form of authority to cut and remove the timber therefrom,  
the said Commissioner may appoint such number of fire rangers  
as the timber licensee or holder of such other form of author-  
ity may request, and in the absence of such request where in  
the opinion of the said Commissioner such appointment is  
necessary in the public interest and for the carrying out of the  
purposes of this Act, the said Commissioner may appoint  
such number of fire rangers as he may see fit; and in such  
cases one-half of the remuneration to be paid such fire  
rangers and one-half of the expenses necessarily incurred by  
them in the performance of their duties shall be payable by  
the licensee or holder of authority as aforesaid, and one-half by  
the said Commissioner out of moneys voted by the Legislative  
Assembly for the purpose; or the said Commissioner may pay  
the whole amount of such remuneration and expenses, and may  
charge the timber licensee or holder of authority as aforesaid  
with one-half the said amount, which shall be and remain a  
charge on the timber limit or other area covered by said  
authority until paid, as fully and effectually as if the same  
were for unpaid timber dues or ground rent, and in respect of  
the recovery thereof the said Commissioner shall have all the  
rights, powers and authority now possessed by him for the  
recovery

recovery of unpaid timber dues or ground rent under the Crown Timber Regulations or otherwise.

When license holder requests appointment of rangers.

15c. Where a timber licensee or holder of other authority as aforesaid is desirous of having fire rangers appointed he shall submit to the said Commissioner a list of persons for such appointment, and should any of such persons in the opinion of the said Commissioner be unfit for the duties of fire ranger, he may refuse to appoint them, or after appointment may discharge them, and may substitute suitable and qualified persons in their place.

Duties of fire rangers.

15d. It shall be the duty of all fire rangers appointed under this Act to enforce the provisions and requirements of the same and in all cases coming within their knowledge to prosecute every person found guilty of a breach thereof. They shall have power in cases of danger or emergency to summon such help or assistance for the prevention or suppression of fire as they may deem necessary, and all persons so summoned and helping or assisting shall receive such remuneration for their services as the fire ranger or rangers summoning them may deem proper, having regard to the current rate of wages for the same or similar work and subject to the approval of the said Commissioner; and all expenses so incurred and approved shall be deemed to have been necessarily incurred under this Act, and shall be payable in the manner and by the persons herein provided. The said fire rangers shall perform such other duties, receive such wages and be subject to such conditions as may be provided by regulations to be made hereunder by the Lieutenant-Governor in Council.



## CHAPTER 46

## An Act to amend The San Jose Scale Act.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The San Jose Scale Act, 1900*. Short title.

2. Notwithstanding anything contained in *The San Jose Scale Act*, and the amendments thereto, the Lieutenant-Governor in Council may, upon the recommendation of the Minister of Agriculture, adopt regulations for the treatment of infested plants by spraying, washing or fumigation. These regulations shall be published in two successive issues of the *Ontario Gazette*, and such treatment may be allowed or authorized in the manner prescribed in the said regulations in place of or prior to destruction by burning as provided for in section 7 of the said Act.

3. This Act shall be read with and as part of *The San Jose Scale Act, 1898*.

Act to be read  
with 61 V. c.  
33 and 62 V.  
(2), c. 35.

## CHAPTER 47

## An Act for the Prevention and Destruction of certain Noxious Insects.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act shall be known as *The Noxious Insects Act*. Short title.

2. The following provisions of this Act shall come into force and take effect as to every municipality the council of which

Adoption  
of Act by  
by-law.

which shall by by-law declare this Act to be in force therein. The council may at any time repeal such by-law, and thereafter this Act and any regulations made thereunder shall cease to apply or be in force as to such municipality.

Regulations  
for destruction  
of insects.

3. Upon the recommendation of the Minister of Agriculture the Lieutenant-Governor in Council may make such regulations for the prevention and destruction of insects injurious to trees, shrubs and other plants as may be deemed advisable. Such regulations shall come into effect and have the force of law after publication in two successive issues of *The Ontario Gazette*.

Appointment  
of inspectors.

4. Every municipal council adopting this Act shall in and by the by-law adopting the same appoint one or more inspectors whose duties it shall be to inspect all orchards and to enforce the provisions of this Act and the regulations made thereunder, and to report upon the same to the council.

Municipality  
may charge  
owner with  
work done.

5. In case the occupant or the owner of any lot neglects or refuses to comply with this Act or with any regulations made thereunder, the Inspector may cause the necessary work to be done, and shall within ten days make a report in writing to the Council stating the amount of the cost thereof and the Council may thereupon direct that this amount or such part thereof as may appear to them equitable, shall be entered upon the collector's roll against such owner and shall be collected in the same manner as other taxes.

Notice to be  
given to  
owners when  
Act adopted.

6. Immediately upon the passing of a by-law by any municipal council for bringing this Act into force, the said council shall cause to be delivered to the occupant or owner of every lot affected, a printed copy of this Act and of the regulations made thereunder, together with a copy of the by-law and the name and address of the Inspector appointed to enforce the Act.

Penalty for  
violation of  
Act.

7. Any person interfering with the Inspector, or attempting to hinder or prevent him in the enforcing of this Act, shall, upon conviction thereof, before any of Her Majesty's Justices of the Peace, be subject to a fine of not less than one dollar nor more than twenty dollars, and in default of payment of the same to be imprisoned in the common jail for the period of not less than ten days, nor more than twenty days.

## CHAPTER 48

## An Act respecting the Barberry Shrub.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. No person shall plant the shrub known as the Barberry Shrub upon any lands used for farming purposes in the Province of Ontario, nor upon any land situate within one hundred yards of any lands used for farming purposes and every person guilty of the violation of this section shall be liable on summary conviction thereof before a justice of the peace, to a penalty not exceeding \$10, besides the costs of conviction, to be recovered as provided by *The Ontario Summary Convictions Act*.

Planting of  
barberry shrub  
prohibited.

Rev. Stat.  
c. 90.

2. Where prior to the passing of this Act any person has planted or has growing upon or adjacent to lands owned or occupied by him and held and used for farming purposes any hedge or fence formed by the said shrub, he may be required by the council of the municipality in which the lands are situated to remove and destroy the same, and upon his neglect or refusal so to do within one month after the service of notice in writing regarding such removal and destruction the council of the municipality may cause the same to be removed and destroyed, and in such cases the owner of the lands upon which the said shrub has been planted shall not be entitled to compensation for such removal and destruction.

Shrub where  
already  
planted on  
farm lands to  
be pulled up.

3. In case, upon receipt of notice or within thirty days thereafter, the owner or occupant of the lands upon which the said shrub is planted removes and destroys the same, he shall be entitled to compensation for such removal and destruction. The amount of such compensation may be agreed upon by such owner and the council of the municipality, or in default of agreement shall be determined in writing by the fence viewers of the municipality and the amount so agreed upon or awarded shall be paid to the owner by the treasurer of the municipality out of the funds of the corporation.

Compensation  
for destruc-  
tion.



## CHAPTER 49

## An Act to amend and consolidate The Ontario Game Protection Act.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Ontario Game Protection Act*. R. S. O. 1897, c. 287, s. 1.

Interpretation "game animal," "game bird."

2.—(1) The expressions "game animal" and "game bird" wherever the same occur in this Act, shall mean a bird or animal protected by the provisions of this Act. R. S. O. 1897, c. 287, s. 2.

"Close season," "Open season."

(2) In this Act the expression "close season" shall mean the period in which any game animal or bird is protected and the expression "open season" shall mean the period in which any game animal or bird is permitted to be hunted, taken or killed by the provisions of this Act.

(3) Minister shall mean the member of the Executive Council having charge of the administration of this Act.

## NON-RESIDENTS.

Non-residents—license for.

3.—(1) No person not being resident and domiciled in the Province of Ontario shall hunt, take, kill, wound or destroy any game bird or animal except upon the terms and conditions of a license to be first obtained in that behalf as hereinafter provided. R. S. O. 1897, c. 287, s. 4 (1).

Permit to guest of resident.

(2) The Minister may grant a special permit to enable a guest of a resident of the Province to hunt and shoot therein without a license for a term not exceeding one week. R. S. O. 1897, c. 287, s. 4 (4).

Licenses to residents of other Provinces.

(3) The Lieutenant-Governor in Council may by Order-in-Council from time to time make regulations for the issue of licenses to residents of other provinces of the Dominion of Canada for hunting and shooting in the Province of Ontario upon payment of a reduced license fee or upon the same terms and conditions as residents of the Province of Ontario are, under the provisions of the laws of such provinces respectively permitted to hunt or shoot therein. R.S.O. 1897, c. 287, s. 4 (5)

4.—(1)

## CLOSE SEASONS.—SS. 4-7.

4.—(1) No deer shall be hunted, taken or killed between the 15th day of November and the 1st day of November of the following year. Close season for deer.

(2) No moose, reindeer or caribou shall be hunted, taken or killed except between the 1st day of November and the 15th day of November in the year 1900 and in every third year thereafter. Moose, etc. R. S. O. 1897, c. 287, s. 6 (1); 62 V. (2), c. 33, s. 4.

(3) No elk or wapiti shall be hunted, taken or killed at any time in Ontario. Elk, wapiti.

(4) No person shall hunt, take, kill or destroy, or pursue with such intent:— Game birds, etc.

(a) Any grouse, pheasants, prairie fowl or partridge, woodcock, black and grey squirrels and hares between the fifteenth day of December and the fifteenth day of September in the following year; Grouse, etc., black and grey squirrels and hares.

(b) Any quail or wild turkeys between the fifteenth day of December and the fifteenth day of October in the following year. Quail and wild turkeys.

(c) Any swans or geese between the first day of May and the fifteenth day of September of the same year; Swans and geese.

(d) Ducks of all kinds or any other waterfowl between the fifteenth day of December and the first day of September of the following year; Ducks and other waterfowl.

(e) Snipe, rail, plover or any other birds known as shore birds or waders between the fifteenth day of December and the fifteenth day of September of the following year. Snipe, rail, plover, etc. R. S. O. 1897, c. 287, s. 7 (1).

(5) Notwithstanding anything in this section contained no wild turkeys shall be hunted, taken or killed at any time before the fifteenth day of October, 1905, and no prairie fowl or English or Mongolian pheasants before the fifteenth day of September, 1905. Wild turkeys pheasants. R. S. O. 1897, c. 287, s. 7 (2).

(6) Notwithstanding anything in this Act, any person may during close season take or kill the wood hare or cotton-tail rabbit by any other means than by the use of guns or other fire-arms. Cotton-tail rabbits. R. S. O. 1897, c. 287, s. 7 (3).

## BEAVER, OTTER, MUSKRATS, ETC.

5.—(1) No beaver or otter shall be hunted, taken or killed or had in possession by any person before the first day of November, 1905; and thereafter no beaver or otter shall be hunted, taken or killed or had in possession of any person between the first day of April and the first day of November, nor shall any traps, snares, gins, or other contrivances be set for them during such period. Beaver and otter.

(2) No muskrat shall be hunted, taken or killed or had in possession of any person between the first day of May and the first day of January of the following year, nor shall any traps, snares, gins, or other contrivances be set for them during such period. Muskrat.

Muskrat  
houses, etc.

(3) No muskrat shall be shot during the month of April; nor shall any muskrat house be cut, speared, broken or destroyed at any time; and any such traps, snares, gins, or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor; provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property.

When destruc-  
tion of musk-  
rats lawful.

(4) Nothing in this section shall be held to prevent the destruction of muskrats by any means, at any time, in the vicinity of dams, or drainage embankments where there is a probability of injury being caused by them to the said dams or drainage embankments. R. S. O. 1897, c. 287, s. 9; 62 V. (2), c. 33, s. 6.

#### SUNDAY.

Hunting on  
Lord's Day.

6. No person shall, on the Lord's Day, hunt, take, kill or destroy any game animal or bird, or use any gun or other engine for that purpose. R. S. O. 1897, c. 287, s. 10.

#### POWERS OF LIEUTENANT-GOVERNOR IN COUNCIL AS TO CLOSE SEASONS—UNORGANIZED TERRITORY.

Varying close  
season in cer-  
tain outlying  
districts.

7.—(1) The Lieutenant-Governor in Council may from time to time by Order in Council in that behalf vary the close seasons for that portion of the territory of the Province lying north and west of French River, Lake Nipissing and Mattawa River, or any part of the said territory. 62 V. (2), c. 33, s. 15.

#### GAME BIRDS IN DANGER OF EXTINCTION.

Protection of  
migratory  
birds in cer-  
tain cases.

(2) If at any time it shall appear that any migratory game bird is in danger of extinction, and that the hunting, shooting and sale thereof has been, or is about to be, by law forbidden in any two or more of the United States of America lying to the south of the Province of Ontario, one of such States being the State of New York or the State of Pennsylvania or the State of Michigan, the Lieutenant-Governor in Council may by Order-in-Council in like manner protect such migratory game bird in this Province for the period in which the same is protected in such States.

Protection of  
non-migratory  
birds when in  
danger of  
extinction.

(3) If at any time it shall appear that any game animal or non-migratory game bird has for any reason become so diminished in numbers in this Province as to require further protection than is afforded thereto by the provisions of this Act, the Lieutenant-Governor in Council may by Order-in-Council forbid the hunting, shooting and sale thereof during any year or season in which such hunting, shooting and sale would under the provisions of this Act be lawful.

#### SPECIAL PROVISIONS FOR PROTECTION OF GAME, ss. 8-14.

##### DEER.

License for  
hunting deer.

8.—(1) No person shall hunt, take, kill, wound or destroy any deer, moose, reindeer or caribou, except upon the terms  
and



and conditions of a license to be first obtained in that behalf, as hereinafter provided. R.S.O. 1897, c. 287, s. 3 (1).

(2) No person shall at any time hunt, kill or take any cow moose, or young moose, reindeer or caribou under the age of one year. (*New*). Cow moose, fawn, etc., not to be killed.

(3) No person shall during any one year or season kill or take more in all than two deer, one bull moose or one bull reindeer or caribou; provided that this shall not apply in the case of deer which are the private property of any person and which have been killed or taken by such person or by his direction, or with his consent, in or upon his own lands or premises. R.S.O. 1897, c. 287, s. 6 (3). Number of deer, etc., which may be killed.

(4) No person shall take, capture, wound or kill any deer while in, or immediately after leaving, any river, lake, or other water, or with intent so to do, hunt or pursue the same. Hunting deer in the water.

This sub-section shall apply only to that portion of the County of Bruce known as the Indian Peninsula. R.S.O. 1897, c. 287, s. 5. 62 V. (2), c. 33, s. 31.

(5) Hunting or killing deer or moose by what is known as "crusting," or while they are "yarding," is hereby declared unlawful. R.S.O. 1897, c. 287, s. 6 (4). Hunting deer while yarding, etc.

(6) No owner of any hound, or other dog, known by the owner to be accustomed to pursue deer, shall permit any such hound or dog to run at large in any locality where deer are usually found, during the close season for deer. Any person harboring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any hound or dog found running deer during close season shall be deemed to be at large with the permission of the owner thereof, and may be killed on sight by any person, who shall not be liable to any penalty or damages therefor. R. S. O. 1897, c. 287, s. 6 (2). Hounds.

#### WATER FOWL.

9.—(1) No wild ducks, geese, or other water fowl, shall be hunted, taken or killed from sail-boats, yachts or launches, propelled by steam or other power. Killing duck, etc., from sail boats, etc.

(2) No swivel guns, or guns of any kind of a larger bore or gauge than 8, and none of the contrivances for taking or killing wild swans, geese or ducks, which are described or known as sunken punts or batteries, shall be used at any time. R.S.O. 1897, c. 287, s. 13. Illegal contrivances.

#### POISONS, TRAPS AND CONTRIVANCES.

10.—(1) No person shall kill or take any game animal or bird by the use of poison, or poisonous substances, or expose poison, poisoned bait or other poisoned substances in any place or locality where any game animal or bird, or any dogs or cattle may usually have access to the same. Poisons, use of prohibited.

Trapping,  
snaring, etc.

(2) None of the said hereinbefore mentioned animals or birds other than those mentioned in section 5, shall be trapped or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them or any of them, at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person, without such person thereby incurring any liability therefor, if he finds them so set. R.S.O. 1897, c. 287, ss. 11, 12.

Shooting at  
light time.

**11.** No person shall discharge any gun or other fire-arm at any game bird or animal between half an hour after sunset and half an hour before sunrise, according to the times given for sunset and sunrise in the publication known as the Canadian Almanac. R.S.O. 1897, c. 287, s. 8 (1).

#### SHOOTING FOR HIRE FORBIDDEN.

Hired hunters.

**12.** No person shall for hire, gain or hope of reward, hunt, kill or shoot any game birds or animals, or employ, hire or for valuable consideration induce any other person so to do. Provided that this shall not be held to apply to the *bona fide* employment of any person as guide to accompany any person lawfully hunting or shooting in this Province. 62 V. (2), c. 33, s. 5.

#### EGGS.

Eggs not to be  
taken.

**13.** No eggs of any game bird shall be taken, destroyed or had in possession by any person at any time. R.S.O. 1897, c. 287, s. 8 (2).

#### MASKS AND DISGUISES.

Masked or  
armed persons  
in neighbour-  
hood of  
preserves, etc.

**14.** Any person being masked or disguised and carrying or having in his possession any gun or other fire-arm near any preserve or shooting ground, (or in close season near any place where game is usually found) shall be guilty of an offence under this Act. R.S.O. 1897, c. 287, s. 27.

#### POSSESSION, PURCHASE AND SALE.

Having in  
possession  
during close  
season.

**15.—(1)** Except as expressly authorized by license issued under this Act, or by and for the private use of the owner of game lawfully killed or procured, no person shall have in his possession, or in the possession of any servant, agent or other person on his behalf, any game animal or bird, or any part thereof, no matter where killed or procured, during the close season therefor. 62 V. (2), c. 33, s. 5.

Selling with-  
out license.

(2) Except as expressly authorized by license issued under this Act, and as in this section expressly provided, no person shall by himself, his servant, clerk or agent, buy, sell, or expose or keep for sale, or directly or indirectly, on any pretense or device, or for any valuable consideration, barter, give or obtain,

obtain, to or from any other person, any game animal or bird, or any part thereof, no matter where killed or procured. Provido. Provided that the person who has actually and lawfully hunted, taken and killed any game animal or bird may sell the same, or any part thereof, during the open season therefor. Provided also that it shall be lawful to buy from such person, or from the holder of a game dealer's license, any game animal or bird, which such person or licensee is at the time of such sale authorized to sell under the provisions of this Act. Provido. Provided also that notwithstanding anything in this Act contained, no snipe, woodcock, quail or partridge shall be bought or sold before September 15th, 1905. 62 V. (2), c. 33, s. 5.

(3) Except as expressly authorized by license under this Act, Supplying game at meals. no hotel, restaurant or club shall supply for or as a part of any meal for which a charge is made, any game animal or bird, or any part thereof, no matter where killed or procured, during the close season therefor. 62 V. (2), c. 33, s. 5.

#### TRANSPORTATION AND EXPORTATION OF GAME.

**16.**—(1) No common carrier or other person shall transport, or receive, or have in possession for that purpose in this Province, at any time, any deer, moose, elk, reindeer, or caribou, or any head, skin or other part thereof, unless there is attached thereto one of the shipping coupons belonging to a license authorizing the shipper to hunt or kill the same as provided in this Act. 62 V. (2) c. 33, s. 7. Transporting deer, etc., without shipping coupons.

(2) No common carrier or other person shall transport or receive or have in possession for that purpose in this Province, any game bird or animal, or any head, skin, or other part thereof, during the close season therefor, unless there be attached thereto (in addition to a shipping coupon if required) an affidavit of the shipper that the same was lawfully hunted and taken. 62 V. (2) c. 33, s. 7. Affidavit that game legally taken.

(3) The two preceding sub-sections shall not apply to prevent the transportation of any deer, moose, elk, reindeer or caribou, or any head, skin or other part thereof, if accompanied by an affidavit that the same was lawfully killed in some other Province of the Dominion of Canada according to the law of such Province. 62 V. (2) c. 33, s. 8 *part*. Game killed in other Provinces.

(4) Any non-resident who may at any time be entitled to hunt or shoot within the Province of Ontario by virtue of a license under this Act, shall, so far as the authority of the Legislature of the Province of Ontario extends, be at liberty to export out of the Province in any one open season game actually and lawfully killed by him, as follows: one bull moose, reindeer or caribou, deer (not exceeding 2), duck (not exceeding 100; but a shipping coupon attached to such license as hereinafter provided must be attached to every such deer and to every parcel or package containing such other game, and such person must, if required by any warden or deputy warden, make a statutory declaration of the fact that such Exporting deer etc.



such game has been lawfully killed by him. R. S. O. 1897, c. 287, ss. 4 (3), 14 (3), 62 V. (2) c. 33, s. 2 (1).

(5) Except as aforesaid, no person shall at any time export from the Province of Ontario, or with such intent hunt, take or kill any game animal or bird, except any deer, moose, elk, reindeer or caribou which are not wild but which are the private property of any person and have been killed or taken by such person or by his consent or direction in and upon his own lands and premises. R. S. O. 1897, c. 287, s. 14 (3).

Right of  
search.

(6) Every express company and common carrier, and every person or corporation engaged in the business of purveying or dealing in game, shall upon request permit any warden or deputy warden to enter and inspect any building or car for the purpose of searching for game illegally killed or possessed, and shall afford such warden or deputy warden all reasonable facilities in making such search. 62 V. (2) c. 33, s. 8 *part*.

Boxes to be  
constructed  
to show con-  
tents.

(7) All bags, boxes and parcels of every kind in which game is packed for transportation, shall be so constructed as to show the contents thereof and shall be marked or labelled with the description of the contents and the name and address of the owner thereof. 62 V. (2) c. 33, s. 8.

#### PRESERVES. SS. 17-19. RONDEAU PROVINCIAL PARK PRESERVES.

Killing game  
birds in  
Rondeau  
Park.

17.—(1) No person shall at any time shoot, hunt, take or kill any partridge, prairie fowl, quail, woodcock, snipe, wild turkey or other bird or fowl whatsoever, within the boundaries of the Rondeau Provincial Park; nor shall any one shoot, hunt, trap, take or kill any wild bird or animal in the said park, except foxes, skunks, weasels, owls, hawks or other noxious birds or animals, and then only with the consent and authority of the ranger of the said park in writing first had and obtained.

(2) The preceding sub-section of this section shall not prevent or apply to the shooting or taking of wild duck or geese in the waters around and along the coasts of said park during the lawful season.

(3) The Lieutenant-Governor in Council may, by Order in Council in that behalf, make special provisions for regulating the shooting, hunting, taking or killing of any bird or fowl protected by the provisions of this Act, within two miles of Rondeau Park or within Rondeau Harbour. R. S. O. 1897, c. 287, s. 16.

#### PRESERVES BY ORDERS IN COUNCIL.

Crown game  
preserves.

18. The Lieutenant-Governor-in-Council may, by Order in Council in that behalf, designate certain counties or portions of counties in the Province in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any deer at any time

time of the year, subject to such reservations in favour of the residents or settlers in such counties as may be deemed reasonable. R. S. O. 1897, c. 287, s. 15.

#### PRIVATE PRESERVES—PROPAGATION FOR STOCKING PURPOSES.

**19.**—(1) In order to encourage persons who have heretofore put, bred or imported, or hereafter put, breed or import any kind of game upon their own lands with the desire to breed and preserve the same, it is enacted that it shall not be lawful for any person knowing it to be such game, to hunt, shoot, kill or destroy any such game without the consent of the owner of the lands upon which such game has been heretofore or is hereafter so put, bred or imported; Provided that this sub-section shall not be held to prevent any person from shooting, hunting, taking or killing any game upon his own lands, or upon any lands over which he has a legal right to shoot or hunt.

Protection of private preserves.

Proviso.

(2) In order to encourage the propagation of deer, game birds or other game animals in parks or preserves, regulations may be adopted by the Board of Game Commissioners, subject to the approval of the Lieutenant-Governor in Council, authorizing any person owning game birds or animals, and having them on his property, to sell or dispose of the same at any time for propagation or stocking purposes. R.S.O. 1897, c. 287, ss. 17-18.

Sale for breeding purposes.

#### TRESPASS IN PURSUIT OF GAME.

**20**—(1) No person shall, at any time, enter into any growing or standing grain not his own with sporting implements about his person, nor permit his dog or dogs to enter into such growing or standing grain without permission of the owner or occupant thereof, and no person shall, at any time, hunt or shoot upon any enclosed land of another after having had notice not to hunt or shoot thereon; and any person who, without the right to do so, hunts or shoots upon any enclosed land of another after having had notice not to hunt or shoot thereon, shall be deemed guilty of violation of this Act.

Entering on lands of another after notice not to do so.

(2) Any owner or occupant of land may give such notice: Notice to trespassers, how given.

(a) Verbally or in writing; or

(b) By maintaining sign boards at least one foot square, containing such notice in the following form, or to the like effect: "Hunting or shooting on these lands forbidden under Ontario Game Laws," on or near the boundary of the land intended to be protected, at such distance as will permit of every sign board being clearly visible from the sign board on either side; or

(c)

(c) By maintaining such sign boards on or near the boundary of such land, or upon or near the shores of any water covering the same, or any part thereof, to the number of two for each fifty acres thereof.

Putting up or interfering with notices illegally.

(3) Any person who, without authority in that behalf, puts up, or causes to be put up, any such notice on any lands of which he is not the owner, or the possession of which he is not legally entitled to, or who tears down, removes, injures, defaces or interferes with any such notice, shall be deemed guilty of a violation of this Act.

Common-law rights preserved.

(4) Nothing in this section contained shall be so construed as to limit or in any way affect the remedy at common law of any such owner or occupant for trespass.

Marsh lands.

(5) For the purpose of this section, land, the boundary or any part of the boundary of which is a water line or line between land and water, or passes through a marsh or swamp or any land covered with water, or any land without sufficient trees or obstructions to prevent any post hereinafter mentioned being clearly visible from the nearest post on either side thereof, shall be deemed to be enclosed, if posts are put up and maintained on the boundary thereof, or on the boundary of the part thereof sought to be enclosed, at distances which will permit of every post being clearly visible from the nearest post on either side thereof, and so placed that the boundaries will be sufficiently indicated by said posts. R. S. O. 1897, c. 287, s. 19; 62 V. (2), c. 33, s. 9.

#### GAME COMMISSIONERS.

Board of Game Commissioners, how constituted.

21—(1) The Board now constituted and known as the Board of Game Commissioners of the Province of Ontario is hereby continued and shall continue to be composed of five members who shall be appointed by the Lieutenant-Governor in Council, and shall hold office each for the term of three years from the date of his appointment, and, except the secretary (who may be a member of said Board), shall serve without compensation either direct or indirect other than actual disbursements or than as hereinafter provided. Commissioners may from time to time, at the expiration of their terms of office, be re-appointed for further terms of three years.

Vacancies, how filled.

(2) The Lieutenant-Governor in Council shall from time to time as vacancies on the said Board occur, whether by expiration of term, resignation or any other cause, make appointments to fill such vacancies, and shall appoint the president and secretary of the said Board.

Meetings.

(3) The said Board shall meet at least once and not oftener than three times each year, and shall make rules and regulations as authorized by the provisions of this Act.

Duties.

(4) It shall be the duty of the said Board to give all necessary directions and to take all reasonable measures for securing the



the enforcement of the laws for the protection of game; to collect, classify and preserve all such statistics, data and information as they may think will tend to promote the objects of such laws, to conduct all the necessary correspondence; to take charge of and keep all reports, books, papers, documents or specimens which they may collect in the discharge of their duties under this Act; and to prepare an annual report to the Lieutenant-Governor on or before the 31st day of December of each year, showing what has been done by them during the year, and the manner in which their duties have been performed, with such recommendations for the Legislative action, if any, as the said Board may deem calculated to better promote the preservation of game within the Province. R. S. O. 1897, c. 287, ss. 20, 21.

#### GAME WARDENS.

22—(1) The Lieutenant-Governor in Council upon the recommendation of the said Board may appoint a Chief Game Warden, who shall act as secretary and business agent of the said Board, and may also appoint other game wardens, not exceeding four in number, whose duties shall be prescribed by rules and regulations of the Board of Game Commissioners in that behalf. The compensation of the Secretary and the said Chief Warden and other wardens, and such allowance to the Chairman of the Board of Game Commissioners as may be reasonable shall be fixed by the Lieutenant-Governor in Council, and shall be paid out of the license fees and fines collected under the provisions of this Act, and such other moneys as may be appropriated for the purposes of this Act by the Legislature of the Province.

Chief Game Warden.

Compensation of Secretary, etc.

(2) The Lieutenant-Governor may confer upon any member of the Provincial Police Force such powers or authority by this Act conferred upon wardens as may be deemed proper.

Provincial police.

(3) Any of the wardens appointed under the provisions of this Act, or any Justice of the Peace may, upon his own view, convict for any offence against the provisions of this Act.

Conviction on view.

(4) The Chief Game Warden and the other game and fish wardens appointed under the provisions of this section, and the Commissioners appointed under the provisions of section 20, having taken the oath of office hereinafter prescribed shall be ex-officio Justices of the Peace for all the purposes of this Act, and of any regulations made under the authority thereof.

Ex-officio Justices of the Peace.

(5) The said Chief Warden and other wardens and the said Commissioners shall, before acting as Justices of the Peace under this Act, take and subscribe the following oath:

Oath of office.

I, A. B., the Chief Game Warden, (or one of the wardens or Commissioners as the case may be) appointed under the provisions of *The Ontario Game Protection Act*, do solemnly swear that to the best of my judgment I will

will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Chief Game Warden (or game warden or Commissioner as the case may be), according to the true intent and meaning of *The Ontario Game Protection Act*, and of all regulations made or to be made thereunder. So help me God. R.S.O. 1897, c. 287, ss. 22, 25.

#### DEPUTY-WARDENS.

Deputy-wardens, appointment of.

**23.**—(1) The Board of Game Commissioners shall have the power to appoint, or may authorize the chief game warden to appoint at any time, deputy-wardens in any part of the Province for such period of time as they in their discretion may determine, and to dismiss such deputy-wardens in the discretion of the said Board. R. S. O. 1897, c. 287, s. 22 (1).

Payment.

(2) The Board of Game Commissioners shall have power to make regulations for payment of one or more deputy-wardens by salary out of any portion of the license fees and fines collected under the provisions of this Act which may by Order-in-Council be from time to time placed at their disposal for such purpose.

Duties as to seizure, etc.

(3) It shall be the duty of every deputy-warden forthwith to seize all birds, animals, or portion of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a Justice of the Peace to answer for such illegal possession.

Instituting prosecutions.

(4) It shall also be the duty of every deputy-warden to institute proceedings against all persons found infringing the provisions of this Act or any of them, and every deputy-warden may cause to be opened, or may himself open in case of refusal, any bag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season or peltries out of season are hidden.

Search warrants.

(5) Every deputy-warden, if he has reason to suspect and does suspect that game killed or taken during the close season or peltries out of season, are contained or kept in any private house, shed or other building, shall make a deposition according to Form A in the schedule annexed to this Act before a Justice of the Peace, and demand a search warrant to search such store, private house, shed or other building, and thereupon such Justice of the Peace may issue a search warrant according to Form B in said schedule.

Authority as constables.

(6) Persons duly appointed deputy-game wardens under the provisions of this section shall be, and exercise the authority of constables for the purposes of this Act.

Sheriffs, police, etc., to enforce Act.

(7) Sheriffs, deputy-sheriffs, Provincial police or constables, county constables, police officers, wood rangers, Crown Lands agents, timber agents, fire wardens and fishery inspectors or overseers are hereby constituted and appointed deputy-wardens and authorized and required to enforce the provisions of this Act.

(8) Officers authorized to enforce the game laws, and all other persons, may recover the penalties for the violation thereof in an action in their own name or by complaint or indictment, and such prosecution may be commenced in any county in which the offender is found or in which the offence was committed. Penalties, recovery of.

(9) Any officer authorized under the provisions of this Act to enforce the game laws may, without process, arrest any violator of said laws for an offence committed in his presence; and he shall with reasonable diligence cause him to be taken before any Justice of the Peace for a warrant and trial either in the county where the offence was committed or in the county in which the violator was arrested, and jurisdiction in all cases under this Act is hereby granted to all Justices of the Peace, Magistrates, Stipendiary Magistrates and all other courts, to be exercised in the same way and manner as if the offence had been committed in their respective counties. Arrests without process.

(10) Any officer who maliciously, or without probable cause, abuses his power in such proceedings shall be guilty of an offence under this Act. Malicious exercise of powers.

(11) Every deputy-warden or other person authorized to enforce the provisions of this Act and neglecting or refusing so to do, or to perform any of the duties pertaining to their office as above set forth, shall be guilty of an offence under this Act. Neglect of duty. R. S. O. 1897, c. 287, ss. 22, 23, 24.

(12) Every deputy-warden shall immediately upon appointment take and subscribe the following oath: Oath of office

I, *A. B.*, a deputy-warden appointed under the provisions of *The Ontario Game Protection Act, 1900*, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of deputy-warden according to the true intent and meaning of *The Ontario Game Protection Act, 1900*, and of all regulations made or to be made thereunder. So help me God.

(13) Any duty or authority under this section may be performed or authorized by a warden. Warden's powers.

#### LICENSES, SS. 24-28.

##### *General Provisions.*

**24.**—(1) Every license to be issued as hereinafter provided shall be in the form or forms from time to time established by the Board of Game Commissioners. Licenses, form of.

(2) Every license shall be signed by the Chief Game Warden and countersigned by the Minister in charge of the administration of this Act, or his deputy, and shall be in force for one season only, the period of which shall be distinctly therein specified. Terms of.

(3) All fees paid for licenses may be collected by the Chief Game Warden, and shall be payable to the Provincial Treasurer. Fees.



urer, to be applied to the expenses incurred in carrying on the provisions of this Act.

Not to be  
issued to con-  
victed persons.

(4) No license shall be issued to any person, or to any corporation employing any person, who may in such employment may have been convicted of an offence against this Act within two years next preceding the date of application for such license. R. S. O. 1897, c. 287, s. 3; 62 V. (2), c. 33, s. 5, pt.

Illegal trans-  
fer.

(5) Licenses shall not be transferable and every person shall be guilty of an offence under this Act who shall buy, sell, exchange, or in any way become a party to the transfer of any license, or who shall in any way use, or attempt to use, a license issued to any other person, and upon conviction of any person for an offence against this subsection such license shall be forfeited, and without further proceedings shall be deemed to have been cancelled.

#### HUNTING LICENSES.

Chief Warden  
to issue.

25.—(1) The Chief Warden shall, subject to such rules and regulations as may from time to time be made by the Board of Game Commissioners, issue licenses to persons applying therefor for the purposes and upon payment of the fees hereinafter specified, or in the case of residents of other Provinces of the Dominion of Canada, such fees as may be fixed by order in council under section three (3).

#### NON-RESIDENTS.

To non-  
residents.

- (a) Authorizing persons not resident and domiciled in the Province of Ontario to hunt and shoot therein, subject in all respects to the provisions of this Act. License fee \$25. R. S. O., 1897, c. 287, s. 4, (1).

#### DEER.

To residents.

- (b) Authorizing residents of the Province of Ontario to hunt deer subject in all respects to the provisions of this Act. License fee \$2, R. S. O., 1897, c. 287, s. 3 (1).

#### MOOSE, REINDEER OR CARIBOU.

For moose,  
license on  
caribou.

- (c) Authorizing residents of the Province of Ontario to hunt moose, reindeer or caribou subject in all respects to the provisions of this Act. License fee \$5.

#### LICENSES TO BE CARRIED UPON THE PERSON.

Production of  
license on  
demand.

- (2) Every person who has obtained a license under this section shall at all times when hunting carry such license on his person, and shall at all reasonable times and as often as reasonably

ably requested, produce and show the same to any person requesting him so to do, and on failure or refusal to do so shall forfeit such license, and if found hunting or taking any deer or other animal, for hunting which such license may be by him required, shall, on proof of failure or refusal to comply with such request, be deemed to have been guilty of an offence against this Act. 62 V. (2) c. 33, ss. 1, (2) 2, (2).

#### SHIPPING COUPONS.

**26.**—(1). There shall be attached to every license issued under the preceding section two shipping coupons according to the form established by the Board of Game Commissioners as aforesaid, except that only one coupon shall be attached to license to hunt moose, and when any deer, moose, reindeer or caribou, or any part thereof, or any game for export under section sixteen of this Act, is presented for shipment at any railway station, steamboat landing or other point of shipment, one of the said coupons shall be signed and detached by the person to whom the license is issued, in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal, or part thereof, or package as aforesaid, and thereupon such shipping agent shall write across the face of such coupon the word “cancelled”; and any person, shipping agent or clerk neglecting so to do, or shipping or assisting in the shipment of anything to which a shipping coupon is required to be attached, without complying in all respects with the provisions of this section, shall be guilty of an offence against this Act. R.S.O., 1897, c. 287, s. 3 (3). 62 V. (2), c. 33, ss. 1, (1), 2 (1).

Coupons to be attached to license.

Cancellation of.

(2). The Chief Warden if satisfied that more than two shipping coupons will reasonably be required by a non-resident applying for a license under section 25a of this Act, may issue to such person a non-resident license having more than two coupons thereto, upon payment of such additional fee and subject to such conditions as may be established by regulation of the Board of Game Commissioners.

Duplicate licenses.

**27.**—(1) The Chief Warden shall, subject to such rules and conditions, and upon payment of such fees, not exceeding the amounts hereinafter specified, as may from time to time be fixed and established by regulation of the Board of Game Commissioners, issue licenses to persons applying therefor for the purposes hereinafter specified:—

Licenses, issue of.

#### COLD STORAGE.

- (a) Authorizing any person or corporation engaged in the business of cold storage of perishable articles to keep any game animals or birds during the close season therefor in any year and until the commencement of the next open season. License fee \$25. 62 V., (2), c. 33, s. 5.
- For cold storage.

(b)

## GAME DEALERS.

For game  
dealers.

- (b) Authorizing any person or corporation during the open season and during such period in close season not exceeding twenty days as may be fixed by regulation of the Board of Game Commissioners, to buy and sell, and, within the limits of the municipality for which such license is issued, to expose for sale, game animals and birds lawfully killed and procured; and during such period and upon such conditions as may be fixed and established by regulation of the Board of Game Commissioners, game animals and birds imported into the Province of Ontario specified and described in such regulation and lawfully hunted, killed or procured according to the law of the Province, State or Country where the same may have been killed or procured. License fee in cities having a population of 100,000 or over, \$25; in other cities having a population of over 50,000, \$10; in other cities having a population under 50,000 and over 25,000, \$5; in cities having a population under 25,000 and in towns, \$2; and in incorporated villages and townships, \$1.

## HOTELS, RESTAURANTS AND CLUBS.

For restaur-  
ants, etc

- (c) Authorizing a hotel, restaurant or club to supply during close season for or as part of a meal served upon the premises of such hotel, restaurant or club, any game animal or bird lawfully obtained during the period in which the same may be sold under game dealer's license as hereinbefore provided. The license fees shall be for cities having a population of over 100,000, \$10; for cities having a population of over 50,000, \$5; and in cities having a population of less than 50,000 and all other municipalities, \$1. 62 V. (2) c. 33, s. 5.

## LICENSED GUIDES.

Guides,  
licenses to.

28.—(1) The Chief Warden may, subject to such rules and regulations as may from time to time be made by the Board of Game Commissioners, and upon the recommendation of any justice of the peace, countersigned by any warden appointed under this Act, issue to any fit and proper person applying therefor, a license certifying that such person is qualified to act as guide for hunting, shooting or fishing in any part or district of this Province specified in such license; and the Chief Warden shall in a book to be kept for that purpose register the names of all persons to whom such licenses have been issued in each year.



(2) The issue of licenses to guides under this section shall be in the sole discretion of the Chief Warden, subject to appeal to the Board of Game Commissioners, who may from time to time lay down rules for the guidance of the Chief Warden in issuing such licenses. Discretion of Chief Warden.

(3) The said licenses may be cancelled or revoked at any time by the Chief Warden, who shall not incur any legal responsibility for cancelling or refusing any license. Cancellation or revocation.

(4) The fee to be paid for licenses issued under this section shall be the sum of two dollars, or such smaller sum as the Board of Game Commissioners may from time to time determine. 62 V. (2) c. 33, s. 11. Fee for guides' license.

#### PENALTIES.

**29.**—(1) Any person committing any offence under this Act in respect of deer, moose, elk, reindeer, cariboo, beaver or otter, or violating the provisions of section 14 or section 17 shall be liable for each offence to a fine not exceeding \$50 and not less than \$20, together with the costs of prosecution, and any person committing any other offence against any of the provisions of this Act shall be liable for each offence to a fine not exceeding \$25 and not less than \$5, together with the costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county where such conviction takes place, for a period not exceeding three months. 62 V. (2), c. 33, s. 10 (1). Offences in respect of deer, etc., penalty for.

(2) Any person convicted of any offence under this Act, except an offence under section 14, shall, if such person be proved to have been masked or disguised and in possession of any gun or other firearm at the time such offence was committed, be liable to be imprisoned for a period not exceeding three months without the option of a fine. Persons proved to have been disguised, etc., imprisonment of.

(3) A violation of this Act shall constitute a separate offence in respect of each and every game animal or bird which is the subject thereof, though more than one violation of the same kind or of a different kind and in respect of more than one game animal or bird takes place at the same time or upon the same day. R. S. O. 1897, c. 287, s. 28 (4) *Pt.* Separate offences.

(4) Any person offending against any of the provisions of this Act who has been convicted of the same or any other offence against this Act within two years theretofore, shall be liable to a penalty of not less than double the minimum penalty hereinbefore provided for such second offence, and upon a third or any subsequent conviction such person shall be liable to a penalty of not less than the maximum penalty hereinbefore provided. 62 V. (2) c. 33, s. 10 (2). Second and subsequent offences.

(5) All guns, nets, decoys and ammunition, canoes, skiffs, punts or boats, raw skins, hides of game animals, and all peltries of otter, beaver and moose heads, and all game found Guns, nets, boats, etc., confiscation of.  
11 s. in

in the possession of violators of the law shall be confiscated and (except game) forwarded to the Chief Game Warden to be sold and the proceeds thereof applied for the purposes of this Act, and game so confiscated shall be given to some charitable institution or purpose at the discretion of the convicting justice; but where a violation of the provisions of section 20 of this Act has taken place through *bona fide* mistake or inadvertence, the convicting justice may relieve from the operation of this section. 62 V. (2) c. 33, s. 12.

Application of  
fines.

(6) All fines imposed and collected in prosecutions under this Act in which game wardens or deputy wardens who may be paid by salary, act as prosecutors, shall be paid to the treasurer of the province to be applied in carrying out the provisions of this Act. R. S. O. 1897, c. 287, s. 29.

When deputy-  
warden not  
paid by salary.

(7) All fines imposed and collected in prosecutions under this Act in which deputy wardens not paid by salary act as prosecutors, shall be paid to such deputy wardens.

When private  
prosecutor  
acts.

(8) One-half of every fine imposed and collected under the provisions of this Act in which any other person acts as prosecutor, shall be paid to such prosecutor, or to the person on whose evidence the conviction is made, as the justice may determine, and the other one-half shall be paid to the Treasurer of the Province to be applied in carrying out the provisions of this Act. R. S. O. 1897, c. 287, s. 29.

#### EVIDENCE.

Evidence, pos-  
session, etc.

**30.**—(1) In all actions and prosecutions under this Act the possession of guns, decoys or other implements of shooting or hunting in or near any place where any game bird or animal has been, or is, likely to be found, shall be sufficient evidence *prima facie* that the person or persons in possession thereof, were hunting or shooting such game bird or animal and of their intention so to do.

Onus of proof.

(2) In all actions and prosecutions under this Act the onus shall be upon any person found in possession of any game bird or animal, or any part thereof, in close season, to prove that such game bird or animal was lawfully hunted, taken, killed and obtained.

Having guns,  
etc., in posses-  
sion.

(3) In all actions and prosecutions under this Act evidence of any person having in his possession a gun, rifle or other firearm, and being in or near any canoe, skiff, punt or boat of any kind, at or near any place where hunted deer are likely to enter the water, shall be sufficient evidence *prima facie* that such person was engaged in hunting deer with intent to capture, take, wound or kill the same while in or immediately after leaving the water.

Defendant a  
competent and  
compellable  
witness.

(4) On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offense against or under any of the provisions

provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question, and on any such trial no person, witness or party shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person, provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. R. S. O. 1897, c. 287, s. 33.

#### PROCEDURE.

**31.**—The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act :—

(1) The information shall be laid within three months after the commission of the offence. 62. V. (2) c. 33, s. 13. Procedure on summary prosecutions.  
Information, when to be laid.

(2) All prosecutions under this Act may be brought and heard before any of Her Majesty's justices of the peace in and for the county or district where the penalty was incurred or the offence was committed, or wrong done, or in the county or district where the violator lives or is found, and in cities, towns and incorporated villages in which there is a Police Magistrate before such Police Magistrate, but no person charged with an offence under this Act shall be compelled to attend before a Magistrate at a greater distance from the place where he may have been found or arrested or from his place of residence or the place where the offence was committed, than ten miles, if there is a Magistrate residing within that distance who is willing to dispose of the case and is not interested in any way therein, or related to or connected with any of the parties thereto. R. S. O. 1897, c. 287, s. 23 (4) 31. Who may try.

(3) The description of an offence in the words of this Act or in any similar words shall be sufficient in law. R. S. O. 1897, c. 287, s. 32, (2). Description of offence.

(4) Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant. R. S. O. 1897, c. 287, s. 32, (3). Exceptions, etc., need not be negatived in complaint.

(5) Upon the trial of any prosecution under this Act, the Justice or Justices before whom the same is tried, shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction which he or they are hereby empowered to do. R. S. O. 1897, c. 287, s. 28, (4) *pt.* Cumulative penalties in one conviction.



**Imprisonment for non-payment of fine.** (6) The Justice or Justices shall, in any such conviction adjudicate that the defendant be imprisoned unless the penalty, and also the costs and charges of prosecution and commitment and of conveying the defendant to prison are sooner paid. R. S. O. 1897, c. 287, s. 28, (2).

**Warrant of commitment to state costs.** (7) The amount of the costs and charges of the commitment and conveying of the defendant to prison, shall be ascertained and stated in the warrant of commitment. R. S. O. 1897, c. 287, s. 28, (3).

**Convictions not to be quashed for informality.** (8) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form. R. S. O. 1897, c. 287, s. 32, (4).

**Procedure to be governed by Rev. Stat., c. 90.** (9) In all prosecutions under this Act save when hereinbefore otherwise provided the procedure shall be governed by *The Ontario Summary Convictions Act*. R. S. O. 1897, c. 287, s. 31, *part*.

#### INDIANS AND SETTLERS.

**Indians and settlers killing, etc., for food.** **32.**—(1) The provisions of this Act shall not apply to Indians or settlers residing in any unorganized township, or territory not divided into townships of this Province, with regard to any game killed for their own immediate use for food only, and for the reasonable necessities of the person killing the same and his family, and not for the purposes of sale or traffic. And nothing herein contained shall be construed to affect any right specially reserved to or conferred upon Indians by any treaty or regulations in that behalf made by the Government of the Dominion of Canada with reference to hunting on their reserves or hunting-grounds, or in any territory specially set apart for the purpose; nor shall anything in this Act contained apply to Indians hunting in any portion of the provincial territory as to which their claims have not been surrendered or extinguished; provided, that no settler shall hunt, take, kill or have in his possession any moose, reindeer or caribou except in any year when the same may be lawfully killed according to the provisions of this Act.

**Treaty rights.** (2) The Lieutenant-Governor in Council may from time to time by Order-in-Council in that behalf, exempt Indians or actual *bona fide* settlers in the northern and northwesterly or other sparsely settled portions of the Province, whether the same be organized or unorganized, from any of the provisions of this Act, which may be specified in such Order in Council. R. S. O. 1897, c. 287, s. 34.

**Exemption of Indians and settlers by Order-in-Council.** **33.** All Orders-in-Council made under the authority of this Act shall be read therewith and shall for all purposes be deemed to be a part thereof, and shall be published in the *Ontario Gazette* and shall take effect from and after the date of such publication.

#### ORDERS IN COUNCIL.

**Orders-in-Council to have force of law.**

publication. All such Orders-in-Council shall also be published Publication of.  
in or in connection with the annual report of the Game Com-  
missioners.

34. *The Ontario Game Protection Act*, Chapter 287 of the Rev. Stat.  
c. 287 and  
amendments  
repealed.  
Revised Statutes of Ontario, 1897, and all amendments thereof  
are hereby repealed.

## SCHEDULE.

### FORM A.

(Section 23.)

#### DEPOSITION FOR A SEARCH WARRANT.

I, \_\_\_\_\_, undersigned \_\_\_\_\_, do hereby declare  
that I have reason to suspect, and do suspect, that game killed or taken  
during the close season, or furs out of season, etc. (*as the case may be*),  
are at present held and concealed (*describe the property, occupant, etc.,*  
*and the place*).

Wherefore, I pray that a warrant may be granted and given to me to  
effect the necessary searches (*describe here the property, etc., as above*).

Sworn before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
A.D. 18 \_\_\_\_\_ X. Y.

L. B.,

J. P.

R. S. O. 1897, c. 287, Form A.

### FORM B.

(Section 23.)

#### SEARCH WARRANT.

Province of Ontario,  
County of \_\_\_\_\_

To each, and every, the constables of \_\_\_\_\_, County of \_\_\_\_\_.

Whereas \_\_\_\_\_, has this day declared, under oath, before  
me, the undersigned, that he has reason to suspect that (*game or birds*  
*killed or taken during the close season, etc., as the case may be*) are at  
present held and concealed (*describe property, occupant, place, etc.*)

Therefore, you are commanded by these presents, in the name of Her  
Majesty, to assist the said \_\_\_\_\_, and to diligently help  
him to make the necessary searches to find the (*state the birds or game*  
*killed or taken during the close season, or furs out of season, etc.*) which  
he has reason to suspect, and does suspect, to be held and concealed in  
(*describe the property, etc., as above*), and to deliver, if need there be,  
the said birds, etc. (*as the case may be*) to the said \_\_\_\_\_ to be  
by him brought before me, or before any other magistrate to be dealt  
with according to law.

Given under my hand and seal at \_\_\_\_\_ county of  
this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 1 \_\_\_\_\_

L. B.,

J. P.

[L. S.]

R.S.O. 1897 c. 287, Form B.

## CHAPTER 50

## An Act respecting the Fisheries of Ontario.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ontario Fisheries Act, 1900.*

Application of Act.

2. This Act, and the respective provisions thereof, and the regulations hereby authorized, shall apply to all fishing and rights of fishing, and all matters relating thereto, in respect of which the Legislature of Ontario has authority to legislate for the purposes of this Act, but shall not authorize, nor shall any lease, license or permit issued hereunder, or in pursuance of regulations made hereunder, authorize or be deemed to authorize any interference with the navigation of any navigable waters. R. S. O. c. 288, s. 2.

Interpretation.

3. Where the following words and expressions occur in this Act, and in any regulations hereby authorized, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

“Crown Lands.”

(1) “Crown Lands” shall mean and include such ungranted Crown, or public lands, or Crown domain, as are within and belong to the Province of Ontario, and whether or not any waters flow over or cover the same.

“Waters.”

(2) “Water,” or “waters,” or “Provincial water,” or “Provincial waters,” shall mean and include such of the waters of any lake, river, stream or water-course wholly or partially within the Province over or in respect of which the Legislature of this Province has authority to legislate for the purposes of this Act, and whether flowing over or covering Crown lands or not, but shall not include any waters in which fish are propagated and preserved by the owner or tenant of the land covered by such waters.

“Commissioner.”

(3) “Commissioner” shall mean the member of the Executive Council, designated from time to time by Order in Council, as Commissioner of Fisheries.

“Fish.”

(4) “Fish” shall mean and include every kind, species or variety of fish in respect of the catching or killing of which, within the Province, the Legislature of Ontario has authority to legislate.

(5)



(5) "Fishery lease," or "lease," shall mean and include a lease conferring for a term therein mentioned, upon the lessee therein named, the right to take and keep, for the purposes of fishing; under and subject to the provisions of this Act, and of all regulations made thereunder, the exclusive or other possession of any Crown lands therein described, with the exclusive or other right to fish in any waters flowing over or covering the same, at such time, and in such manner, and with such restrictions, and subject to such regulations, as may be permitted, regulated or prescribed, by any lawful authority in that behalf. "Fishery lease."

(6) "Fishing license," or "license," shall mean and include a license granting for the time therein mentioned, to the licensee therein named, upon payment of the license fee therein stipulated a right to fish in any waters therein described or other lands in respect of which the Legislature of the Province has authority to legislate for the purposes of this Act, at such time or times, in such manner, and with such restrictions and subject to such regulations as may be permitted, regulated or prescribed by any lawful authority in that behalf, but no fishing license shall be deemed to be, or be construed to operate as, or in the nature of, a lease or demise. "Fishery License."

(7) "Bass" shall mean and include small mouthed black bass and large mouthed black bass. "Bass."

(8) "Close season," shall mean the time in any year during which fishing for, catching or taking in any provincial water, or killing, carrying away, or buying or selling, or having in possession the kinds or species of fish hereinafter named, or any of them, is prohibited or regulated by the laws or fishing regulations of Canada. "Close season." R. S. O., c. 288, s. 3.

(9) "Fishery" shall mean and include the particular locality place or station in or on which a seine, pound or other net is used, placed or located, and the particular stretch of waters in or from which fish may be taken by the said seine or net, and also the net or nets, and other fishing material or appliances used in connection therewith. "Fishery" meaning of.

(10) "Overseer" shall include district overseer, local overseer, and temporary guardian. "Overseer."

(11) "Angling" in this Act shall mean the taking of fish with hook and line held in the hand, or with hook and line and rod, the latter held in the hand, and shall not include set lines. 62 V. (2), c. 34, s. 2. "Angling."

(12) "Inland waters" shall mean and include all the lakes, rivers and waters of Ontario except international or interprovincial waters, and except also the Georgian Bay, the north channel of Lake Huron, the Bay of Quinte and Inner Bay, Long Point. "Inland waters."

(13) "Non-resident, tourist or summer visitor" shall mean any person who may during the spring, summer or autumn months "Non-resident, tourist months"

or summer  
visitor.

months be temporarily visiting, boarding, lodging or keeping house in any locality at a distance of over twelve miles from his usual place of residence.

“Permit.”

(14) “Permit” shall mean a license issued under the hand of an officer duly authorized to issue such permit upon the official form provided by the department authorizing the licensee to fish in the waters therein mentioned for any period not exceeding three months; and shall also mean permission to fish given over the hand of the Commissioner of Fisheries or Deputy Commissioner of Fisheries.

Appointment  
of deputy  
commissioner  
and staff.

4. The Lieutenant Governor may, from time to time, appoint a Deputy Commissioner and such other officers and clerks as may be necessary for the purpose of carrying out the provisions of this Act and the better enforcement of the law and of regulations made by lawful authority and for enforcing also such terms and conditions and limitations as hereinafter mentioned. Such officers and clerks shall be paid out of moneys received under the provision of this Act or as may be appropriated by the Legislature. 62 V. (1), c. 1, s. 3.

Appointment  
of fishery  
overseers.

5. The Lieutenant-Governor in Council may appoint fishery overseers, and every overseer so appointed, and having taken the oath of office prescribed by this Act, shall be, *ex officio* a Justice of the Peace within the county or district to which the territory or any part thereof for which he is appointed to act as such overseer belongs and need not take any further oath to enable him to act as such justice. R. S. O. c. 388, s. 42.

Provincial  
constables *ex  
officio* over-  
seers.

(2) Every Provincial constable shall be *ex officio* a fishery overseer, and every fishery overseer shall have jurisdiction in and over every part of this Province for the purpose of the enforcement of the fishery laws thereof. 62 V. (2), c. 34, s. 8.

Oath of  
overseer.

6. Every fishery overseer shall, before acting under this Act, take and subscribe the following oath:—

“I, A. B., a fishery overseer in and for the (county or district or territory) described in my appointment, do solemnly swear, that, to the best of my judgment I will faithfully, honestly and impartially, fulfil, execute and perform, the office and duty of such overseer, according to the true intent and meaning of *The Ontario Fisheries Act, 1900*, and of all regulations made, or to be made thereunder. So help me God.” R. S. O. c. 288, s. 43.

Rights of  
passage.

7. In the discharge of his duties, every fishery overseer and every person by him accompanied, or authorized for that purpose, may enter upon, and pass through, or over, private property, without being liable for trespass. R. S. O. c. 288, s. 44.

Remuneration  
of overseers,  
etc.

8. The remuneration of the fishery overseers, and of all other persons employed to perform any duty imposed by this Act,

Act, or by the regulations made under it, shall be determined by the Lieutenant-Governor in Council, and shall be paid out of moneys appropriated for that purpose by the Legislature. R. S. O. c. 288, s. 45.

9. Such annual or other reports of the fishery overseers shall from time to time be furnished as the Commissioner may require. Certain reports to be laid before the assembly.

10. The Lieutenant-Governor in Council may, from time to time, make regulations, and may, from time to time, vary, amend, alter or repeal, all and every such regulation, as may be found necessary, or deemed expedient, for the purpose of carrying the provisions of this Act into effect, and all regulations so made, shall have the same force and effect as if herein contained and enacted, and every offence against any such regulation may be stated as having been made in contravention of this Act. Regulations may be made by the Lieutenant-Governor-in-Council.

11. The publication of any regulation in *The Ontario Gazette* shall be sufficient notice to give legal effect to the same; and the production of a copy of the paper purporting to be *The Ontario Gazette* and containing any such regulation, shall, so far as the Legislature of Ontario has authority so to enact or direct, be admitted in all courts as sufficient evidence of such regulation. R. S. O. c. 288, s. 47. Promulgation of regulations.

12. Fishery leases, licenses or permits, may be issued subject to such terms, conditions or limitations as may be contained therein or made part thereof, or as shall be prescribed by order in council or by this Act, and the same shall be binding to all intents and purposes, upon the lessees, licensees or holders of permits or their assigns; and any such lessee, licensee or holder of a permit or his assigns thereof who contravenes any of the terms, conditions or restrictions thereof, shall forfeit his rights and privileges under such lease, license or permit, and such lease, license or permit may in such case be revoked by the Commissioner, and the lessee, licensee or holder of the permit shall in addition be deemed to have committed a contravention of this Act. 62 V. (1) c. 1, s. 1. Leases, licenses and permits.

13. No person shall fish for, take, catch or kill from, or in Provincial waters by any means other than by angling any fish which inhabit said waters, without first having obtained a lease or license, signed by the Commissioner or Deputy Commissioner. But this section shall not apply to mullet, suckers, pike or carp where fished for or taken under a permit issued by the Commissioner or Deputy Commissioner. R.S.O. c. 288, s. 30. Use of nets and snares prohibited without license.

14. No one shall, without lawful excuse (the proof whereof shall lie on him), buy, sell, or possess any fish, or portion of any Buying, selling or having fish



in close  
season pro-  
hibited.

any fish, caught or killed in Provincial waters, at a time, or in a manner prohibited by law. R.S.O. c. 288, s. 37.

Fishery leases  
and licenses.

**15.** The Commissioner may issue, or authorize to be issued, fishery leases or fishery licenses for fisheries and fishing to be carried on in provincial waters, subject always to such regulations, conditions and restrictions as may from time to time be made, ordered, established or fixed in that behalf, by the Lieutenant-Governor in Council, and published in *The Ontario Gazette*, or as may be contained in the lease or license; but leases or licenses for any term exceeding five years shall be issued only under authority of the Lieutenant-Governor in Council. R.S.O. c. 288, s. 11.

If for more  
than five  
years.

Rental.

**16.** The rental or license shall be fixed by the commissioner and when not paid in advance shall be paid at the time or times specified therefor in the lease or license, and the lessee or licensee who fails to pay the rental or fees, when and as by lease or license provided, shall forfeit all rights thereunder, and thereupon the lease or license may be declared void by the commissioner who may re-let the said rights; but notwithstanding the forfeiture of the said lease or license and the said re-letting, the said lessee or licensee shall be liable, at the suit of Her Majesty, for the said rental or fees, and the expenses incurred by such forfeiture and re-letting. R.S.O., c. 288, s. 12.

Forfeiture for  
non-pay-  
ments.

Transfer of  
lease.

**17.** No lessee or licensee shall have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act without first having obtained the written consent of the Commissioner or Deputy Commissioner, or shall suffer or permit his license to be used for the taking of fish by, or for the benefit or profit of any other person without such written consent having been first obtained. R.S.O. c. 288, s. 13; 62 V. (2) c. 34, s. 5.

Lessee not en-  
titled to com-  
pensation in  
case of  
deficiency.

**18.** If, in consequence of any incorrectness of survey, or other error or cause whatsoever, a fishery lease comprises lands included in a fishery lease of a prior date, the fishery lease last granted shall be void in so far as it interferes or purports to interfere with that previously issued, and the holder or proprietor of the lease so rendered void shall have no claim for indemnity or compensation on account thereof. R.S.O. c. 288, s. 14.

Rights of  
passage.

**19.** Every fishery lease shall be deemed to have been made and granted subject to the right of passage to and from any water in favour of the occupants (if any), under title from the crown, of the lands in rear of those included in the fishery lease, whether so expressed in the lease or not. R.S.O. c. 288, s. 15.

Appointment  
of guardians.

**20.** The Commissioner may, upon the request of any lessees of fishery leases, or without such request, appoint as many

many guardians as may be deemed necessary for the effectual protection of the fisheries, or rights of fishing in any waters; such guardians shall be sworn to the faithful discharge of their duties, and especially, to prevent the taking or killing, or attempting to take, or kill, fish in the waters under their charge, by illegal means, or in an illegal manner, or at times when the taking or killing of fish is prohibited by lawful authority; they shall be employed for such length of time as the Commissioner considers necessary, and their services shall be paid for by the lessee or lessees in such proportions and at such times and in such manner as may be determined by the Commissioner.

**21.** If thereunto required by the Commissioner, a lessee shall keep and maintain, at his own expense, within the limits granted to or conferred upon him by a fishery lease, and for such time or times as the Commissioner may in that behalf prescribe, one or more efficient guardians, whose duties shall, in all respects, be the same as those of the guardians in the preceding sub-section mentioned. R.S.O. c. 288, s. 16.

Lessee to maintain guardians when required.

**22.** Any fishery lease, or fishing license, or permit, held by any person convicted of any contravention of this Act, or of any of the conditions of any license or permit issued thereunder, may be annulled and cancelled by the Commissioner and thereupon such person shall forfeit all his rights and privileges under such lease, license or permit, and shall not be entitled to, or have any claim or right to any indemnity or compensation in respect thereof. R.S.O. c. 288, s. 19.

Cancellation of leases, etc.

**23.** Every lessee shall be answerable for damage done to the lands in the lease described and the timber growing thereon, or on adjoining lands, either by himself or his agents, or any person under his control, either from waste or from want of sufficient precaution in lighting, watching over or extinguishing fires; and it shall be incumbent on every lessee in case of damage caused by fire, to prove that all such precautions have been taken. R.S.O. c. 288, s. 20.

Liability of lessee for damage to lands included in lease.

**24.** A fishery lease shall entitle the lessee to institute in his own name any action or proceeding against any person unlawfully trespassing upon, damaging or invading, the rights, property, premises or privileges, granted or demised by the lease, and also to sue for and recover any damages sustained by him as such lessee. R.S.O. c. 288, s. 21.

Lessee to have right of action for trespass.

**25.** (1) Every person not being lawfully authorized so to do who enters upon or passes over the land described in and the subject of a fishery lease without permission of the lessee or his representative, shall be deemed a trespasser, and on conviction thereof shall incur, and pay, a fine of not less than \$1

Penalty for trespass.

nor

nor more than \$10, with costs of prosecution, for each offence, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county (or district) within which the offence was committed for a period not exceeding one month.

(2) This section shall not apply to any person entering upon or passing over such lands in discharge of any duty imposed by law, nor, when the lands are included in a timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; nor to prevent the owners or occupiers of land bordering on any waters using a general right of passage to and from such waters, nor to prevent the public use of any waters or the banks thereof either for the conveyance of timber and lumber of any kind, or for the free navigation thereof by vessels, boats or other craft; nor to any user under license by the Crown of any such lands or waters for any purpose or occupation not inconsistent with the provisions of this Act. R.S.O. c. 288, s. 22.

Fishing within limits of fishing lease without permission of lessee prohibited.

**26.** If any person, without permission of the lessee, or his representative, fishes, or employs or induces another person to engage or assist in fishing within the limits included in a fishery lease, or removes or carries away, or employs or induces or assists another person to remove or carry away any fish caught or taken within such limits, he shall upon conviction thereof, incur and pay a penalty of not less than \$5 nor more than \$20 with costs, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county (or district) within which the offence was committed for a period not exceeding one month; and such person shall not acquire any right to the fish so caught or taken, but the same shall be forfeited and become the absolute property of the lessee, and the lessee or any person by him authorized, and any fishery overseer may on view forthwith seize and remove any net, article, apparatus or appliance so used in fishing or to assist in fishing contrary to the provisions of this section, to be afterwards dealt with according to law; provided always, that the occupation of any fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with, nor prevent, angling for other purposes than those of sale or traffic. R.S.O. c. 288, s. 23.

Provisions as to setting apart of waters for natural or artificial propagation of fish.

**27.** The Commissioner may authorize to be set apart, and to be leased, any waters for the natural or artificial propagation of fish; and any person who wilfully destroys or injures any place so set apart, or used, for the propagation of fish therein, without written permission from a fishery overseer or from the lessee or licensee thereof, or uses therein a fishing light, or other like implement for fishing or fishes therein, during the period for which the waters are so set apart, shall, for every offence, incur and pay a fine not exceeding \$100, with costs, and in default of immediate payment of such fine and costs



costs shall be imprisoned in the common gaol of the county wherein the offence was committed, or in which the conviction was made, for a period not exceeding three months. R. S. O. c. 288, s. 6.

**28.** Nothing contained in this Act shall preclude the granting by the Commissioner of written permission to obtain fish and fish spawn from provincial waters for the purpose of stocking, artificial breeding, or for scientific purposes, subject always to any regulations or restrictions made or prescribed by or under any lawful authority in that behalf. R. S. O. c. 288, s. 7.

Commissioner may grant permission to obtain fish, etc., for certain purposes.

(2) But no fish or fish spawn shall be taken in any manner from provincial waters for the purpose of stocking, artificial breeding or for scientific purposes without a written permit so to do signed by the Commissioner or Deputy-Commissioner of Fisheries.

**29.** The Lieutenant-Governor in Council may make such provision as he deems necessary for obtaining, receiving and taking over from the Government of the Dominion of Canada or from the Department of Marine and Fisheries all records, archives, documents, books, books of account, applications, correspondence, regulations, Orders-in-Council or any other documents or writing, or copies of any and all of the above in any way relating to the fisheries of this Province, and for all such purposes connected with the said fisheries may cause all such searches and examinations to be made as may be found necessary. 62 V. (1) c. 1, s. 2.

Taking over Dominion records, documents, books, etc.

**30.** Every person fishing in Provincial waters and every dealer in fish in this Province, shall, whenever requested by any fishery overseer so to do, permit the inspection and examination of the fish taken by him or in his possession, and the implements by which such fish were taken; and in case such person or such dealer shall refuse to allow such inspection and examination, the fishery overseer shall have power, and is hereby authorized, with or without a search warrant, to examine the contents of any boat or other vessel, or of any fish car, box, locker, basket, crate or other package or utensil in possession of the person so fishing or of such dealer in fish, or any place or premises where there is reason to believe that any fish taken in contravention of this Act, or anything used in violation thereof is concealed, for the purpose of ascertaining whether the provisions of this Act have been or are being complied with; and for the purpose of such examination the fishery overseer may use such force as may be necessary by breaking open doors or otherwise, and by breaking any lock, or the fastening of any box, locker, basket, crate or other package or utensil, place or premises in which fish are kept or are reasonably believed by such officer to be kept. 62 V. (2) c. 34, s. 10.

Licensee to allow inspection of fish caught.

**31.** Any person who shall obstruct, hinder, delay or interfere with any fishery overseer appointed under this Act in the discharge of their duty.

Obstructing officers in the discharge of their duty.

discharge of his duty under the provisions of this Act or while enforcing or attempting to enforce, or while acting under any Act or Regulation of Canada relating to fish, fishing or fisheries, by violence, hindrance or by the means of threats, or by giving false information, or in any other manner whatsoever, shall, for each offence, be liable to the penalty provided by section 53 of this Act, and costs; and in default of payment of such fines and costs, shall be imprisoned for a period not exceeding three months. 62 V. (2) c. 34, s. 11.

Finding nets  
to be evi-  
dence.

**32.** The finding of any nets, fishing devices or other articles set or maintained in violation of this Act shall be *prima facie* evidence of the guilt of the person or persons owning, possessing or operating the same. 62 V. (2) c. 34, s. 12.

Statement to  
be furnished  
annually by  
lessees or  
licensees.

**33.** It shall be the duty of every lessee or licensee, who takes fish for commercial purposes, at the end of the fishing season, and not later than the 31st of January in the following year, to transmit by registered letter to the fishery overseer of his district a statement shewing the amount in weight of each of the different kinds of fish caught by such lessee or licensee during the said fishing season, and the price per pound received by him for the same. 62 V. (2) c. 34, s. 13.

Fishery  
overseers,  
powers of.

**34.** Fishery overseers shall determine and direct where nets may be set, and the distance to be maintained between each and every location of nets (in this section hereinafter called "fishery"), and shall forthwith remove any fishery which the owner neglects or refuses to remove in compliance with any such determination and direction; and such owner so neglecting or refusing, after forty-eight hours' notice, shall be more-over liable for a violation of this Act, and for the cost and damages of removing such fishery; but nothing in this section shall empower the fishery overseer to authorize the setting of nets in waters other than those described in the license. 62 V. (2) c. 34, s. 14.

Nets to be  
marked with  
name of  
owners.

**35.** All nets shall have the name of the owner or owners legibly marked on two pieces of metal or wood attached to the same; and such mark shall be preserved on such nets during the fishing season, in such manner as to be visible without taking up the net or nets; and any net used without such mark shall be liable to confiscation.

Disputes,  
adjustment of.

**36.** Disputes between persons relative to fishing limits or claims to fishery locations or stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery overseer, subject to appeal to the Deputy Commissioner of Fisheries. 62 V. (2) c. 34, s. 15.

Liability for  
penalties.

**37.** When not otherwise specified, every proprietor, owner, agent, tenant, occupant, partner or person actually in charge,  
either

either as occupant or servant, shall be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Act or any regulations made thereunder. 62 V. (2) c. 34, s. 16.

38. No person shall offer or expose for sale any bass less than ten inches in length, or any white fish, salmon trout or lake trout weighing less than two pounds undressed taken or caught in Provincial waters. 62 V. (2) c. 34, s. 17. Fish under certain size not to be sold.

39. No common carrier or other person shall ship or transport out of this Province or shall receive or have in possession for the purpose of shipping or transporting out of this Province, any salmon trout, lake trout or white fish weighing less than two pounds undressed taken or caught in Provincial waters. 62 V. (2) c. 34, s. 18. Weight of fish not to be transported.

40. No common carrier or other person shall receive or have in his possession or shall ship or transport to any point or place any fish caught or killed within this Province at a time or in a manner prohibited by law. 62 V. (2) c. 34, s. 19. Transporting fish illegally caught.

41. All fish companies and fish dealers purchasing fish direct from the lessees, licensees or holders of permits under this Act shall keep a record, in form approved by the Department, of the different kinds and quantities of fish taken or caught in provincial waters and purchased by them, with the date, name and address of the person from whom purchased, such book to be open for the inspection of the overseer at all reasonable times; and a monthly abstract from such book shall be forwarded by the said fish companies or fish dealers to the department on forms supplied by the department for that purpose, such abstract to be forwarded on or before the fifth day of each month and to cover the preceding calendar month. Record to be kept by fish-dealers

42. Any box, basket, crate, package or other utensil whatsoever, containing fish for shipment whether caught in Provincial or private waters shall be labelled with the names of the consignee and consignor, and shall have stated thereon the contents of such box, basket, crate, package or other utensil. Particulars be marked in parcels, etc., of fish.

43. The Commissioner of Fisheries shall have power to set apart any suitable provincial waters for the cultivation and propagation of frogs, and to make regulations with reference to the capture thereof. Propagation of frogs.

44 —(1) Save as in subsection 2 provided no speckled trout, bass or maskinonge taken or caught in provincial waters shall be exposed for sale in or exported from the Province before the first day of July, 1903. Certain fish not to be sold or exported before 1st July, 1903.



(2) Fish caught by any tourist or summer visitor, not exceeding the lawful catch of two days' angling, may be taken out of the Province by such tourist or summer visitor when leaving the Province.

Sturgeon.

**45.** No sturgeon shall be caught, taken or killed by any means whatever without a license first had and obtained, and in the inland waters of the Province none shall be taken between 1st April and 10th May, but nothing in this section or in section 47 shall be deemed to restrict close season prohibitions.

Number of bass, etc., which may be caught in one day.

**46.** No person shall take, catch or kill in any of the waters of this Province in one day by angling, or shall carry away, a greater number than twelve bass, twenty pickerel, or four maskinonge.

Speckled trout.

**47.** No person shall take, catch or kill in any of the waters of this Province, in one day by angling, or shall carry away, a greater number of speckled or brook trout than in the aggregate shall weigh more than fifteen pounds, and no greater number than fifty speckled or brook trout, though said number weighs less than fifteen pounds, and none between 1st September and 1st May, both days inclusive.

Size of fish which may be taken.

**48.** No bass less than ten inches in length, no speckled trout less than six inches in length, no pickerel less than twelve inches in length, and no maskinonge less than eighteen inches in length shall be retained or kept out of the water, sold, offered or exposed for sale or had in possession; but every person who takes or catches any of the fish mentioned of less than the minimum measurement named (which measurement shall be from point of nose to centre of tail) shall immediately return such undersized fish to the water from which they were taken, alive, and, in so far as possible, uninjured.

Tourists, etc., number of fish which may be caught by.

**49.** No non-resident, tourist or summer visitor shall take, catch or kill in any one day, by angling in the inland waters of this Province, or shall carry away, a greater number than ten salmon or lake trout, each of which shall exceed two pounds in weight.

Weight of fish which may be taken.

**50.** No person shall by any means whatever take, catch or kill, or shall buy, sell or offer or expose for sale, or have in possession any salmon trout, lake trout or whitefish weighing less than two pounds in the round or undressed, or which when dressed weighs less than one pound and three-quarters, or any sturgeon of less than ten pounds in weight when dressed.

Regulations as to Nepigon waters.

**51.—**(1) No one shall fish by angling in the waters of Lake Nepigon in the District of Thunder Bay, in the River Nepigon.

gon in the same District, nor in any tributaries of the said lake or river, without first having obtained an angling license from the Commissioner of Fisheries through the local overseer at Nepigon.

(2) The following clauses, lettered (a) to (g) inclusive, shall apply to the waters in the next preceding sub-section mentioned. Licenses and permits for Nepigon waters.

(a) One angler's license or permit only may be issued to any applicant, and shall not be for a longer period than four weeks from the date of issue.

(b) The fee for such license or permit shall be \$15 for a period of two weeks or less, \$20 for three weeks and \$25 for four weeks, where the applicant is not a permanent resident of Canada; and \$5 for two weeks and \$10 for four weeks where the applicant is a permanent resident of Canada.

(c) The holder of such license or permit shall not catch or kill in one day, or carry away, a greater number of speckled trout than in the aggregate shall weigh more than twenty-five pounds, or a greater number than ten speckled trout in any one day though said number weighs less than twenty-five pounds.

(d) The said license or permit shall not be transferable, and the holder thereof shall produce and exhibit the same whenever called upon so to do by a fishery overseer.

(e) All fishing camps, and fishing parties visiting the said waters shall be subject to the supervision of the fishery overseer or overseers.

(f) Such sanitary arrangements as the overseer may direct shall be made, and such directions as he may give for the disposal of refuse and the extinction of fires shall be complied with.

(g) The cutting of live timber the property of Ontario by persons holding a license or permit to angle in said waters their servants or agents is prohibited except where absolutely necessary for the purpose of camping and shelter, such as for tent poles, tent pins, and the like.

**52.** The preceding section shall also apply to Indians who act as guides, boatmen, canoemen, camp assistants or helpers of any kind of any fishing party or person or persons who may hold a fishing license or permit during the time they are engaged with such party, person or persons, but shall not otherwise apply to Indians. Indians.

**53.** Where any of the provisions of this Act, or of any regulations made under the authority thereof by the Lieutenant-Governor in Council, are contravened, and no other penalty is herein provided for such contravention, the person guilty of Penalty for contravention of Act where no special penalty.

such contravention shall, on conviction thereof, incur and pay a fine of not less than \$10, nor more than \$50, and for a second or subsequent offence of not less than \$20, nor more than \$100, with costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county or district within which the offence was committed, for a period not exceeding one month. R. S. O. c. 288, s. 48.

Who may hear and determine complaints where penalty is less than \$50.

**54.** All prosecutions for the punishment of any offence under this Act, may take place before any Fishery Overseer, Stipendiary or Police Magistrate, or one or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence is committed. R. S. O. c. 288, s. 49.

Offences in boundary waters.

**55.** Where an offence under this Act is committed in, upon, or near, any waters forming the boundary between different counties or districts, such offences may be prosecuted before any Magistrate or Fishery Overseer, for either of such contiguous counties or districts. R. S. O. c. 288, s. 51.

Destruction of illegal fishing apparatus.

**56.** Any Fishery Overseer or Magistrate may, on view, or otherwise, convict for any offence against the provisions of this Act, or of any regulation made thereunder, and shall instantly capture and detain, or destroy, all seines, or nets, or other materials and articles illegally set or in use which are shown to have been illegally in use. R. S. O. c. 288, s. 52.

Separate offences.

**57.** Contravention, on any day, of any of the provisions of this Act, or of any regulation made under the authority thereof by the Lieutenant-Governor in Council, shall constitute a separate offence, and may be punished accordingly. R.S.O. c. 288, s. 53.

Who may be prosecutor or complainant.

**58.** Any person may be the prosecutor or complainant in prosecutions under this Act; and it shall be the duty of every fishery overseer and fire and wood ranger, constable and peace officer, and every game and deputy game warden, to aid in the observance of the provisions of this Act, and in bringing offenders to justice. R.S.O. c. 288, s. 54.

Provisions with respect to summary proceedings.

**59.** The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act:—

1. The information or complaint shall be laid within three months after the commission of the offence.

2. The description of an offence, in the words either of this Act, or of any regulation made by authority thereof, or in any similar words shall be sufficient in law.

3. Any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the



the offence in this Act, or in any regulation made by authority thereof, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. R.S.O. c. 288, s. 55.

**60.** (1) Upon the hearing of any information or complaint exhibited, or made, under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding that such person may be entitled to part of the pecuniary penalty on the conviction of the offender.

(2) On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question, and on any such trial no person, witness or party shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person; provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. R.S.O. c. 288, s. 56.

**61.** In default of the payment of any penalty imposed by this Act, and costs, by any person convicted of any offence under this Act, the offender may be committed to the common gaol of the district or county where the offence was committed for a period not exceeding three months, unless the penalty and costs, and the costs and charges of the commitment, and conveying the defendant to prison, are sooner paid, and the amount of such costs and charges of commitment and conveying the offender to prison shall be ascertained and stated in the warrant of commitment. R.S.O. c. 288, s. 58.

Committal on non-payment of fine.

**62.** Save where otherwise provided by this Act, all the provisions and forms authorized under *The Ontario Summary Convictions Act* shall apply as far as they may be applicable, to all prosecutions and proceedings under this Act, where not inconsistent with this Act, except on proceedings on appeal; and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter, shall be governed by *The Act respecting the procedure on Appeals to the Judge of the County Court from Summary Convictions*. R.S.O. c. 288, s. 59.

Certain Acts to apply to prosecutions under this Act Rev. Stat. c. 90.

**63.** A conviction or order made in any matter arising under this Act, either originay or on appeal, shall not be quashed for

Defects of form.

Convictions  
not removable  
on certiorari.

for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person into the High Court, except for the purpose of the hearing and determination of a special case. R.S.O. c. 288, s. 60.

Application  
of fines.

**64.** One-half of every fine or penalty imposed by virtue of this Act shall belong to Her Majesty, for the uses of the Province, and the remaining half shall be paid to the prosecutor, together with any costs taxed to him by the convicting justice in respect thereof.

Confiscated  
property,

**65.** All vessels, boats, canoes, rafts, vehicles of any description, fishing gear, rods, line, tackle, seines, nets, or other material, apparatus or appliances used, and all fish had or taken in contravention of this Act, or any regulation made thereunder, and all other fish legally taken, caught, killed, conveyed, bought, sold, or had in possession, and of whatever size and description which are intermixed therewith, shall be confiscated to Her Majesty for the uses of the Province, and may be seized and confiscated and sold or destroyed on view, or otherwise, by any fishery overseer, and may be taken and removed, by any person, for delivery to any magistrate or fishery overseer; and the proceeds thereof shall belong to Her Majesty, for the uses of the Province, and may be applied towards defraying expenses incurred under the provisions of this Act.

Application  
of fines.

**66.** The moiety of every fine or penalty belonging to Her Majesty for the uses of the Province, and all proceeds derived from the sale of articles confiscated to Her Majesty under this Act, shall be paid over to the Treasurer of the Province through the Commissioner, and shall be applied towards the expenses incurred in carrying out the provisions of this Act.

Appeal to  
commissioner.

**67.** Persons aggrieved by any conviction or confiscation under this Act may appeal, by petition to the commissioner, who shall have power to remit fines and penalties, and restore forfeitures, under this Act. R.S.O., c. 288, s. 61; 62 V. (2) c. 34, s. 9.

Repealing  
section.

**68.** All Fishery Acts in force prior to this Act are hereby repealed, saving and excepting sections 9 and 24 of R. S. O. chapter 288 (1897).

## CHAPTER 51

An Act respecting the payment of Wolf Bounty.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sections 1, 2, 4, 7 and 8 of *The Act to encourage the destroying of Wolves* are amended by striking out the figures “\$10” wherein the same occur therein respectively, and substituting the figures “\$15” in lieu thereof; and section 4 of the said Act is amended by striking out the figures “\$4” where they occur in the sixth line of the said section and substituting the figures “\$6” in lieu thereof.

Rev. Stat. c.  
290, ss. 1, 2, 4,  
7, 8, amended.

2. Section 7 of *The Act to encourage the destroying of Wolves* is amended by adding thereto the following sub-section :—

Rev. Stat. c.  
290, s. 7,  
amended.

(2) In case the locality in which the killing of the wolf takes place is at so great a distance from all the officers mentioned in sub-section 1 of this section, that the person killing the same cannot conveniently attend before any of the said officers, the production of the head of the wolf may take place and proof of the killing be made before a Justice of the Peace, and if the Provincial Treasurer is satisfied as to the sufficiency of the cause for the appearing before such Justice of the Peace instead of before one of the said officers, such production and proof shall be deemed sufficient compliance with this section, so as to entitle the person killing the same to receive the said bounty.

When proof  
may be made  
before a  
Justice of the  
Peace.

## CHAPTER 52

An Act to amend the Act respecting The Education Department.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—



Rev. Stat. c.  
291, s. 5,  
amended.

1. Section 5 of *The Act respecting The Education Department* is amended by inserting therein the following subsection:—

7a The members of the said Council shall constitute a consultative committee to confer with the Minister on such matters as he may, from time to time, submit to them.

## CHAPTER 53

### An Act to improve The Public Schools Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 292,  
amended.

1. *The Public Schools Act* is amended by adding thereto the following section:—

Grants to  
promote  
athletics.

65a. Every urban school board shall have power to expend such sums as they may deem expedient, not exceeding \$200 in any one year, in promoting and encouraging gymnastics and other athletic exercises.

Rev. Stat.  
c. 292,  
amended.

2. The said Act is amended by adding thereto the following section:—

Retiring  
allowances to  
teachers.

89a. Where any teacher retires after serving for 20 years or longer the board of trustees may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may in lieu of such allowance make a grant to such teacher by way of gratuity of such sum as will represent the present value of an allowance aforesaid for his life computed on the basis of interest at the rate of four per cent per annum.

Rev. Stat.  
c. 292, s. 88,  
subs. 2,  
amended.

3. Subsection 2 of section 88 of the said Act is amended by striking out the words "thirty-five" where they occur in the fifth line thereof and substituting therefor the word "thirty."

## CHAPTER 54

## An Act to improve The High Schools Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The High Schools Act* is amended by adding thereto the following as section 30a :

Rev. Stat.  
c. 293,  
amended.  
Receiving  
money for  
establishment  
of scholarship.

30a—(1) The board of trustees of any high school or collegiate institute, upon receipt of any money bestowed by legacy, gift or otherwise, may agree with the person or persons from whom the same is received for the establishment of a permanent scholarship, provided such sum of money is sufficient when invested at a rate not exceeding four per centum per annum to yield an amount not less than the annual fee charged to pupils at such high school or collegiate institute.

(2) Such scholarship shall be awarded only to a ratepayer or to a child of a ratepayer of the municipality or municipalities contributing to the maintenance of such high school or collegiate institute.

Scholarships  
to be given  
ratepayers.

(3) The board of trustees of any high school or collegiate institute shall have the right to invest any money received by them through legacy, gift or otherwise, and shall for such purpose have and exercise the powers conferred upon trustees by *The Trustee Investment Act*.

Investment of  
scholarship  
fund.

2. Clause 9 of section 2 of *The High Schools Act* is amended by adding thereto the words "and shall also include gratuities and retiring allowances granted to teachers."

Rev. Stat.  
c. 293, s. 2,  
cl. 9,  
amended.

3. The paragraph numbered 4 in section 15 of the said Act is amended by inserting after the words "payment of" in the second line thereof the words "gratuities or retiring allowances of teachers and."

Rev. Stat.  
c. 293, s. 15  
subs. 4,  
amended.

4. The said Act is further amended by inserting therein the following section :—

Rev. Stat.  
c. 293,  
amended.

41a. Where any teacher retires, having reached the age of 60 years or after serving for 20 years or longer, the board of trustees may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may in lieu of such allowance make a grant to such teacher by way of gratuity of such sum as will represent the present value of an allowance aforesaid for his life, computed on the basis of interest at the rate of four per cent. per annum.

Retiring al-  
lowance to  
teachers.

## CHAPTER 55

## An Act respecting Upper Canada College.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- Short title.      1. This Act shall be known as *The Upper Canada College Act, 1900.*
- College continued.      2. The school now established near the City of Toronto and heretofore known and referred to in various Acts of the Legislature of this Province as "Upper Canada College," is hereby continued and declared to be subject to the provisions of this Act.
- Board of Governors incorporated as "The College.      3. The said school shall be under the management and control of a Board of Governors who shall be a body corporate under the name and style of "Upper Canada College" hereinafter called and referred to as "the College," with perpetual succession and a common seal and with power to hold lands subject to this Act, for the purposes of the College without license of mortmain, and under the name of "Upper Canada College" to contract and be contracted with, sue and be sued in all courts and places, whatsoever, in this Province.
- Property vested in corporation.      4.—(1) All property and effects, real and personal, now vested in the Crown in trust for the purposes of Upper Canada College, and all other property and effects now owned by or held in trust for the College or to which the College is entitled shall be and they are hereby vested in the College for the purposes of the College, but subject to the provisions of this Act.
- Permanent fund.      (2) All such property and the principal of all money invested and all subscriptions received for the purpose of endowment shall be deemed permanent property and shall not except as hereinafter provided, be diminished or expended but shall remain as a permanent fund for the support and maintenance of the College and for the purposes of this Act.



(3) The sum of \$36,450 now representing the balance unexpended of the moneys paid to the Trustees of Upper Canada College by the Trustees of the University of Toronto, pursuant to section 1 of the Act passed in the fifty-eighth year of Her Majesty's reign, and chaptered 58, shall form part of the permanent fund of the College. Nothing in this Act contained shall interfere with the provisions in any Order in Council relating to the superannuation of William Wedd and John Martland, former masters, in force on the 5th day of May, 1894. Amount received under 58 Vict. c. 58.

(4) All property, real and personal, that may hereafter be granted, devised or bequeathed to and for the College, shall be vested in the College in trust for the purposes and support of the College, subject to the provisions of this Act and to the terms of the grant, devise or bequest. Future property.

(5) The income from the permanent funds and from the investments made by the College, the fees received for tuition and maintenance, the rents, issues and profits and interest or dividends from all property, real and personal, held for the benefit of the College, (except property touching which it has been otherwise ordered by the donors) and all contributions received by the College for the purpose of being applied towards the working expenses of the College shall form the income fund of the College, and shall be at the disposal of the Governors for the purposes of the College and they may in their discretion from time to time use any surplus for creating a contingent fund or add such surplus to the permanent fund of the College. Income fund.

5. The Governors shall have the power of appointment and removal of the Principal, Masters, Bursar, and other officers and servants of the College, and shall have the control, management and government of the College, and subject to the provisions herein contained, also of all its properties, endowment, funds, assets, income and revenues, and shall have power from time to time to make by-laws, rules and regulations not contrary to law or the provisions of this Act, and from time to time to repeal or vary and amend the same or any of the same, for the working and management of the said College including the power of establishing masterships, exhibitions, scholarships or prizes and of fixing the salaries of the Principal, Masters, Bursar, officers and servants from time to time, and also as to all matters pertaining to the business, meetings and transactions of the said governing body from time to time, and shall have power to fix the quorum necessary for meetings of the Governors, and to act by such committees as they may deem proper to appoint from time to time. General powers of governors.

6. The Board of Governors shall be seventeen in number and their services shall be given gratuitously. Number of Board.

7.—(1) The said Board is hereby constituted as follows: Board, how constituted.  
(a)

(a) Six members *ex officio* :

- (1) The Chief Justice of Ontario.
- (2) The Honourable the Minister of Education of Ontario.
- (3) The Treasurer of the Law Society of Upper Canada.
- (4) The Chancellor of the University of Toronto.
- (5) The President of the Board of Trade of the City of Toronto.
- (6) The President of the Upper Canada College-Old Boys' Association.

And (b) eleven members to be named by the Lieutenant-Governor in Council in the proclamation herein-after mentioned by which this Act is to be brought into operation, who shall hold office as follows :

Term of office  
of appointed  
members.

(2) Of eight members of the eleven members to be named as aforesaid, being other than *ex officio* members, two shall retire annually, on the first day of September, in each year, beginning with the first day of September next after the expiration of one year from the date of the said proclamation, in such order as the said eight members may decide amongst themselves, otherwise in the order of their names as set forth in the said proclamation.

Vacancies.

(3) The vacancies occasioned by the two members retiring annually and every vacancy occurring in the said first eight memberships at any time shall be filled by the remaining members of the Board of Governors by appointment.

Members of  
Old Boys'  
Association.

(4) The other three members of the eleven to be named as aforesaid, shall be nominees of the Upper Canada College Old Boys' Association, and shall hold office for three years from the date of the said proclamation, and their successors shall be elected by the Upper Canada College Old Boys' Association, or by such committee thereof as the by-laws or rules of the said Association shall provide, every three years thereafter and every vacancy occurring during any such period of three years in the representation of the said Association by three members of the Board of Governors shall be filled in like manner.

By-laws, as to  
elections.

(5) The mode of election of the Governors to be elected by the said Association, and the qualifications of electors and of such Governors shall be fixed by by-law of the said Association.

(6) The retiring members of the said Board shall be eligible for re-election.

Declaring seat  
vacant for  
absence.

8. In the event of the removal from this Province, or absence without leave for six successive months of any member of the Board other than members *ex-officio* from the meetings of the Governors they may by a resolution carried.

carried by a two-thirds vote of those members of the Board present at a meeting duly called for that purpose declare the seat of such absentee to be vacant.

9. The first meeting of the Board of Governors shall be held within one month after this Act comes into force at a time and place to be fixed, and upon such notice as may be given by the Honourable the Minister of Education for Ontario, who shall *ex-officio* be the chairman at such meeting. Until this meeting takes place the present Board of Trustees of the College shall continue as at present to manage the affairs of the College and thenceforward they shall cease to hold office as such trustees.

First meeting  
of Board.

At the first meeting of the Governors after this Act comes into force they shall from amongst themselves elect a chairman, who shall hold such office until his successor is elected, and at the first meeting of the Governors each year after the 1st day of January next after this Act comes into force, the Governors shall from amongst themselves elect a chairman, who shall hold office during such year and until his successor is elected.

10. Without limiting the general powers hereinbefore conferred, the Board of Governors shall have the following specific powers:—

Specific  
powers of  
Governors.

(1) They shall have the management of the endowment and permanent funds and of all other property of the College, but shall not have power to alienate or encumber the same or any part thereof, except moveable property, which may from time to time be disposed of by the Governors as they may deem best in the interests of the College.

(2) They may invest the said endowment and permanent funds and all moneys which shall or may come into their hands for the purposes of the College, but subject always to the limitations of any trust as to the same, upon mortgages or hypothecs of freehold or leasehold real estate or other immovables, the debentures, bonds, stocks or other securities of any government or of any municipal corporation or school section in Canada.

(3) They may lease any part of the said property not required for the business or accommodation of said College for any period of time not exceeding forty-two years with clauses for further renewals, and payments for buildings or improvements, but this Act shall not be deemed to give any power to alienate or lease any part of the property on which the College is now situated.

(4) They shall receive and invest, subject always to the directions of the grant or bequest, all moneys granted or bequeathed for the purposes of the College and may provide for free tuition and maintenance in the said College of pupils nominated by persons subscribing to the endowment fund of the college and may also found masterships, exhibitions, scholarships



ships or prizes to be named as the donors may direct and the Governors may approve.

(5) They may from time to time authorize such permanent improvements, alterations or additions to the buildings of the college or the erection and equipment of such new buildings as may be necessary, and the purchase of land for the erection of new buildings, and they may direct that the cost thereof be paid out of the permanent fund of the college, but they shall not impair the present endowment to an extent that would interfere with the payment of such charges as may now exist in respect thereof.

Proviso.

Provided always that the Governors may for the said purposes borrow money to the extent of \$25,000 upon the security of subscriptions of money to or for the benefit of the College which are made payable by the terms of the subscription at some future date or by instalments—but except to the extent aforesaid, nothing in this Act contained shall be deemed to authorize the Governors to pledge or encumber the permanent or income funds of the College.

Regulations  
by principal

11. The Principal may make regulations for the direction of the Masters officers and servants in regard to their respective duties and for the discipline and instruction of the pupils of the College and for the conduct of the school or management of the school buildings or grounds in such matters and to such extent as he may deem expedient, subject to the approval of the Governors.

Mortgages to  
bursar.

12. The mortgages or other instruments representing the investments of the College shall be made to and taken in the name of the College.

Execution of  
instruments.

13. All conveyances, grants, leases, discharges or assignments of any lands, tenements or securities held by or for the College shall be made by the said Governors under their corporate seal, which shall be attested by the signatures of the Chairman of the said Board of Governors, or some person thereto authorized by said Board and of the Bursar.

Superannua-  
tion.

14. The Governors may make regulations for the retirement and superannuation of any master, officer or servant of the College, and any gratuity or superannuation allowance paid under this Act may be paid out of a fund to be provided for that purpose or out of the income fund as the Governors shall direct.

Returns to  
Lieutenant-  
Governor in  
Council.

15. The Governors shall, when required by the Lieutenant-Governor of the Province of Ontario in Council, make returns of the property of the College, real and personal, and furnish reports on the state of the School, with such details and information as the Lieutenant-Governor in Council may from time to time require.

**16.** From and after the passing of this Act all existing by-laws and regulations of the present Board of Trustees, or of the Principal, or of the Upper Canada College Old Boys Association, shall be continued so far as the same are not inconsistent with this Act, but subject to be repealed, altered or amended by virtue of this Act. Present by-laws continued.

**17.** Upon the coming into operation of this Act, all former Acts respecting Upper Canada College shall be repealed. Former Acts repealed.

**18.** As soon as the sum of \$50,000 has been subscribed to the satisfaction of the Lieutenant-Governor in Council towards the permanent fund of the College, provided such sum be so subscribed before the first day of October, 1900, this Act shall be brought into force on from and after a day to be named by proclamation of the Lieutenant-Governor in Council. Proclamation bringing Act into force.

## CHAPTER 56

### An Act respecting Industrial Schools.

*Assented to 30th April, 1900.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** (1) Every child heretofore committed to an Industrial School under any Act of the Legislature of Ontario, who has been or who will have been within six months after the passing of this Act, an inmate of such industrial School for a period of three years, shall at the expiration of the said period of six months be given over to the custody of his or her parents or shall be apprenticed or be placed out in a foster home as the Industrial School Board may deem advisable. Children. after three years to be placed out.

(2) Every child committed to an Industrial School under any Act of this Legislature who is at present an inmate of such School and who will not have completed the period of three years from the date of his or her commitment before the expiration of the said period of six months, and every child hereafter committed to an Industrial School, shall at the expiration of three years from the date of his or her commitment be given over to the custody of his or her parents or be apprenticed or be placed out in a foster home as the Board or other body having the management of such Industrial School may deem advisable.

Board to retain guardianship until child is 18 years old.

2. Every child who has heretofore been or who shall hereafter be committed to an Industrial School under any Act of this Legislature shall remain under the guardianship of the Board or other body having the management of such school and such Board or other body shall possess and exercise all the rights and powers of the parents in regard to such child until such child shall attain the age of 18 years.

Rights of board on return of child to school.

3. After a child has been given over to the custody of his or her parents or has been apprenticed or placed out in a foster home as provided by this Act the Board or other body having the management of the Industrial School may if it deem it necessary in the interest of such child, cause the child to be returned to such School and thereafter such Board or other body shall have the right to collect the amount for maintenance directed to be paid when such child was committed: provided that before being entitled to recover the costs of such maintenance the Board or other body shall obtain the certificate of the Inspector that it is necessary in the interests of the child that he or she shall be again received and cared for in the said School.

Act incorporated with Rev. Stat. c. 304.

4. This Act shall be read with and as part of *The Industrial Schools Act*, and any provisions of *The Industrial Schools Act* inconsistent with the provisions of this Act are hereby repealed.



## CHAPTER 57

## An Act respecting Municipal Sanatoria for Consumptives.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subject to the provisions of this Act, any municipality or any two or more municipalities in this Province may establish a sanatorium for the treatment of consumptives, and may for that purpose acquire lands and interests therein and erect and equip buildings and other improvements thereon, and do such other things from time to time as may be necessary to complete, maintain and operate such sanatorium and carry out the objects and requirements of this Act.

Establishment  
of sanatoria  
by munici-  
palities.

2. Any municipality may procure or join another or others in procuring plans of proposed buildings and improvements for a sanatorium and estimates of the cost and such other information upon the subject (including a proposed site) as may seem desirable, and any two or more municipalities may confer together, by such representatives as their councils may, appoint, with a view to agreeing upon a basis for establishing a joint sanatorium, and they may enter into a provisional agreement respecting the same.

Joint action  
by two or  
more munici-  
palities.

3. If one municipality only is establishing the sanatorium, a provisional by-law respecting the same shall be passed, and the plans, estimates, and the said provisional by-law or said provisional agreement, as the case may be, and the proposed site (which may be anywhere within the Province) shall be submitted to the Provincial Secretary, who shall submit the same to the Provincial Board of Health for report. Upon receiving the report of the Board of Health the Provincial Secretary may approve of the plans, estimates, provisional by-law or agreement as the case may be, and the site; subject, however to such modifications and alterations as he may think best.

Approval of  
plans, site,  
etc., by  
Provincial  
Secretary.

Provided, that if a proposed site be not within the municipality or one of the municipalities proposing to establish the sanatorium, the Provincial Secretary shall, before approving of such site, transmit by post to the head of the municipality in which the proposed site is situate, notice of the application for approval, for such remarks thereon as such municipality may desire to submit.

By-laws for raising necessary funds.

4. Upon the approval of the Provincial Secretary of the plans, estimates, etc., the council of the municipality, or of each of the municipalities concerned, as the case may be, may from time to time pass by-laws to raise the moneys proposed to be paid or contributed by such municipality in respect of the original cost of the sanatorium, or of the cost of extensions, alterations and additions, and to issue debentures therefor. The provisions of *The Municipal Act* respecting by-laws creating debts and voting thereon by electors, and all other provisions of the said Act applicable thereto, shall apply.

By-laws for raising necessary funds for establishment of sanatoria.

5. Upon the said by-law or by-laws being passed as in the preceding section is provided for, the municipality or municipalities concerned may pass by-laws to establish the sanatorium, or to enter into the agreement to establish a joint sanatorium, as the case may be, in accordance with the approval given by the Provincial Secretary above provided for; and, upon by-laws being passed to raise the moneys proposed to be paid or contributed in respect of the cost of extensions, alterations and additions, the approval by the Provincial Secretary of the plans thereof shall be obtained in the same way as provided for with respect to approval of the original plans, and upon such approval being given, the extensions, additions and alterations may be proceeded with by the municipality or municipalities concerned.

Board of trustees.

6. The by-law or agreement establishing a sanatorium or a joint sanatorium, as the case may be, shall provide for the appointment of a board of not less than five trustees to take charge of and manage the same. The qualifications, term of office, which shall not exceed five years, and quorum of the trustees, and the manner of appointing their successors or of filling vacancies, shall be declared in the said by-law or agreement, and the trustees appointed from time to time shall hold office until their successors are appointed. The agreement for a joint sanatorium shall state the proportion of the yearly cost of maintenance, operations and repairs to be borne by each municipality. The said by-law or agreement may also define the terms and conditions on which patients may be admitted into the sanatorium, and contain such other particulars as may be thought best.

Trustees, powers and duties.

7. The trustees and their successors shall be a corporation under the name of "The Trustees of (here name the sanatorium)," and they shall be free from all personal responsibility for acts done within the scope of their authority as such trustees. They shall have such powers and duties as are conferred by this Act, and such other powers and duties not inconsistent with this Act as may be conferred upon them by the said by-law or agreement as the case may be, or by any future by-law or agreement passed or entered into with the approval of the Provincial Secretary.

8. The trustees shall elect yearly one of their number to be chairman of the board, to hold office for one year and thereafter until his successor as chairman is elected. A vice-chairman may also be similarly elected.

Chairman and vice-chairman.

9. The lands and personal property acquired from time to time for the sanatorium shall be conveyed to and vested in the trustees for the uses and purposes thereof, and if proceedings for the expropriation of the site of a joint sanatorium become necessary such proceedings shall be taken on behalf of the municipalities concerned in the name of the trustees, and for the purpose of such expropriation and the proceedings thereon and connected therewith the provisions of *The Municipal Act* shall apply, and the trustees shall have with respect thereto all the rights and powers of the council of a city or town, and the proceedings shall be the same, as far as applicable, as if they were taken by the council of a city or town.

Property vested in trustees.

10. The trustees shall, subject to the terms of the by-laws or agreements relating thereto, and to regulations made by the Lieutenant-Governor in Council as hereinafter provided for, have the control and management of the erection of the buildings and improvements and of the operations and maintenance of the sanatorium and of all matters and things connected therewith or relating thereto, and may from time to time make rules and regulations respecting the same not inconsistent with the terms of the said by-laws or agreements or of this Act, or of regulations made, or to be made, by the Lieutenant-Governor in Council hereunder.

Property, etc., to be under control of trustees.

11. The Lieutenant-Governor in Council may from time to time make regulations respecting the inspection and management of the sanatorium, and such regulations shall take effect and be complied with, notwithstanding the terms of any regulations made by the trustees, which, so far as inconsistent with those made by the Lieutenant-Governor in Council, shall be and become inoperative.

Regulations by Lieutenant-Governor in Council.

12. The Lieutenant-Governor in Council may grant to the trustees of any sanatorium one-fifth of the cost of the site, buildings, improvements and equipment, extensions, additions and alterations, provided such grant shall not exceed with respect to any one sanatorium the sum of \$4,000 in all. All sums granted hereunder are to be paid out of the Consolidated Revenue of this Province.

Grant from Province towards establishment.

13. The Lieutenant-Governor in Council may, out of any moneys voted by the Legislature for the purpose, pay to the trustees of any sanatorium, towards the maintenance and support thereof, a sum at the rate of \$1.50 per week for each patient therein from time to time, and the treasurer of the municipality

Aid to maintenance from Province.

13 s.



municipality (not having established, or not being a party to the agreement establishing the sanatorium) in which a patient was domiciled at the time of admission, and who has been admitted with the approval of the council of such municipality, shall, out of the moneys of the municipality, pay to the trustees a sum at the rate of \$1.50 per week for each patient.

Annual rates  
for cost of  
maintenance.

14. The municipality or municipalities establishing a sanatorium or joint sanatorium, as the case may be, shall, with the yearly rates and in the proportions provided for in the agreement, levy such moneys as may be required to meet the balance of the cost of maintenance, operations and repairs of the sanatorium for the year, and shall from time to time pay over the same to the trustees. Provided always that nothing herein contained shall authorize the trustees to incur any liability or expenditure not authorized by the terms of the by-law or agreement establishing the sanatorium or by by-law or resolution of the municipalities concerned.

Proviso.

Municipality  
may close  
sanatorium.

15. Nothing in this Act contained shall prevent the municipality or municipalities establishing a sanatorium from closing the same at any time or times, either temporarily or permanently.

When sani-  
torium has  
been closed for  
nine months.

16. If a sanatorium be closed for a period of nine consecutive months the Legislature may make provision for the sale or other disposition of the sanatorium and the properties and effects thereof and for the application of the proceeds, and may make such other provisions relating thereto as to it may seem just.

Exemption  
from  
taxation.

17. The real and personal properties acquired for a sanatorium and vested in the trustees shall, so long as the same are so vested, be exempt from all municipal or other taxation,

Accepting  
donations.

18. The trustees may accept from any person or corporation donations of property, real or personal, whether by will or otherwise, for the uses of the sanatorium, and may apply the same in accordance with the terms of the donations.

## CHAPTER 58

## An Act to amend The Charity Aid Act.

*Assented to 30th April, 1900.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 3 and 4 of *The Charity Aid Act* are repealed and the following substituted therefore:—

Rev. Stat.  
c. 320, ss. 3, 4,  
repealed.

3. All moneys appropriated by the Legislative Assembly for the purposes of this Act shall be distributed as follows, that is to say:—

Mode of dis-  
tributing aid  
under Act.

(1) The moneys appropriated for the purpose of aiding the institutions named in Schedule A shall be divided *pro rata* among the said institutions upon the basis of the number of days' actual treatment and stay of each patient admitted to or being within any such institution during the calendar year next preceding the year for which such aid is given.

(2) Every institution named in Schedule B shall have and receive 7 cents for each day's actual lodgment and maintenance therein of any indigent person during the calendar year preceding that for which such aid is given.

(3) Every institution named in Schedule C shall so have and receive 2 cents for each day's actual lodgment and maintenance therein of any orphan or neglected or abandoned child during the calendar year next preceding that for which aid is given.

(4) Every institution named in Schedule C shall so have and receive 7 cents per day for each day's actual lodgment and maintenance of any adult, friendless and indigent female cared for therein during the calendar year next preceding that for which such aid is given.

4. Every grant made under the authority of the preceding section shall be conditional upon compliance with the requirements of this Act and of all orders made thereunder by the Lieutenant-Governor-in-Council and shall be subject to the restrictions hereinafter contained:

Conditions to  
be complied  
with.

No aid to be granted when receipt exceed cost of maintenance.

4a. Where the receipts of any institution named in Schedule A, B or C are equal to or exceed, without reckoning any aid received under this Act, the expenditure for maintenance of patients or inmates no aid shall be granted to such institution under this Act.

Rev. Stat. c. 320, s. 9, amended.

2. Section 9 of *The Charity Aid Act* is amended by striking out all words in subsection 1 of the said section after the word "entitled" in the 7th line; and by striking out subsection 2 of the said section.

Rev. Stat. c. 320, s. 10, repealed.

3. Section 10 of *The Charity Aid Act* is repealed.

Rev. Stat. c. 320, s. 17, amended.

4. Section 17 of the said Act is amended by striking out the words "Schedules A and B" at the end of the third line and by inserting the words "Schedules A, B and C" in lieu thereof.

## CHAPTER 59

An Act to consolidate the floating debt of the Township of Anderdon.

*Assented to 30th April, 1900.*

Preamble.

WHEREAS the Municipal Corporation of the Township of Anderdon has by its petition represented that the said corporation has not for several years been raising sufficient moneys to meet its liabilities on account of the following and other unforeseen and extraordinary circumstances, viz.: that in the year 1894 a judgment was obtained against the township for damages caused by a defective highway which with costs amounted to \$1,500 or thereabouts; that during the past two years the township has been in litigation with its tax collector and treasurer in respect of alleged deficiencies costing the township so far about \$2,000, which was not anticipated nor provided for in the estimates for 1899 and the levy of taxes for that year is not sufficient after paying off the said costs to meet the general expenses of the township: that the township is indebted to the Merchants Bank at Windsor in the sum of \$5,000, the balance of a loan made to the township which has been carried for some years, and is also indebted to a private individual for money borrowed by the township from him in the sum of \$630; that after collection of the rates on the 1899 roll the township will still owe \$6,000 in respect of its floating indebtedness for payment of which no provision has been made and the township has



has no funds or assets applicable to the payment thereof; that the main deficiency commenced about 1893 when debentures given for a bonus to the Canada Southern Railway matured, and owing to the sinking fund levied therefor having been used for general township purposes there was a shortage which the township met by borrowing from the bank; that many expensive drains have been constructed in the township from time to time and assessments therefor have been and are still being levied from year to year on the lands benefited, affecting most of the lands in the township; that in some of the school sections in the township the rates for school purposes have been and are very high; that the River Canard and its branches traverse the township for several miles, crossing the highways in many places, and there are also other smaller streams and large drains which require large and expensive bridges, and at the crossing of highways there are twenty-two large bridges a hundred feet and upward in length besides a number of smaller ones which are expensive and burdensome to the township; that extensive repairs must be made at once to many of the bridges in order to insure the safety of the travelling public; that the levying of the floating debt will be unduly oppressive to the ratepayers unless it can be spread over a number of years; and whereas the said corporation has by its said petition prayed that an Act may be passed by the Legislature consolidating the floating debt of the said township and authorizing the township to borrow sufficient to defray such debt and to issue the debentures of the township in ten equal annual instalments to cover principal and interest; and whereas there is no opposition by or on behalf of any ratepayer of the said township to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said Corporation of the Township of Anderdon to raise by way of loan on the credit of debentures of the said corporation from any person or persons, body or bodies corporate the sum of \$6,000 to run for a period not exceeding ten years from the date of the issue thereof. Coupons shall be attached to the said debentures for the payment of the interest thereon which shall not exceed four per cent. per annum and such interest shall be payable yearly.

Power to borrow \$6,000 to pay floating debt.

2. The said debentures shall be made payable at such place or places as the municipal council of the said corporation may by-law direct.

Where payable.

3. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding ten years from the date of the issue thereof and so that

Debt to be paid off in annual instalments.

that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

4. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures hereinbefore authorized, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the repayment of the said floating debt of \$6,000 and in and for no other purpose whatsoever.

By-law not to be repealed till debt paid.

6. Any by-law passed under the provisions of this Act shall not be repealed until the debt created thereunder and the interest thereon shall have been fully paid and satisfied.

Assent of electors not necessary.

7. It shall not be necessary to obtain the assent of the electors of the Township of Anderdon to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat. c. 223.

Books of account.

8. It shall be the duty of the treasurer from time to time of the said township to keep and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said township and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Liability of municipality not discharged

9. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Township of Anderdon from any indebtedness or liability which may not be included in the said floating debt of the said township.

10. Any provisions in *The Municipal Act* which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures, or any of them authorized to be issued by this Act or any by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Inconsistent  
enactments  
not to apply.

## CHAPTER 60

An Act to confirm a certain By-law and Agreement of the Municipal Corporation of the Town of Arnprior.


*Assented to 30th April, 1900.*

WHEREAS the Municipal Corporation of the Village of Arnprior, now the Town of Arnprior, did by by-law passed on the 26th day of April, 1881, exempt certain property of the firm of McLachlin Bros. for all the value thereof in excess of the sum of fifty thousand dollars from taxation for a period of ten years from the date of the said by-law; and whereas, the said Corporation afterwards, by by-law passed on the 16th day of May, 1891, did renew such exemption to the extent of the value in excess of the sum of seventy-five thousand dollars for a further period of ten years from the date of the said by-law; and whereas the present assessment of all the property of the said firm within the limits of the said town east of the Madawaska River is \$77,500; and whereas the said firm are the only manufacturers of sawn lumber within the limits of the said Corporation; and whereas the property, in respect of which partial exemption is provided for by the agreement hereinafter referred to, is owned and occupied by the said firm solely as the site of its manufacturing establishments and factories, and for piling and storage of the stock or product of its mills and factories, and for other purposes in connection with the business of the firm, and consists of a block of land containing about four hundred and fifty acres, situated wholly on

Preamble.



on the eastern side of the River Madawaska, cut off and separated by the said river from the rest of the said Town of Arnprior, and is the only land within the limits of the said Corporation on the eastern side of the said river, and has not been subdivided into lots, and has no street improvements except two township roads which intersect the property; and whereas no money has been spent by the Corporation for the benefit of the said property except the small amount expended upon the said roads; and whereas there is no population resident upon the said property except certain families of watchmen and other employees whose occupation requires them to live close to the mills; and whereas the members of the firm and several hundred of their employees reside elsewhere in the Town of Arnprior; and whereas the said Corporation has by its petition prayed that an Act may be passed confirming a certain by-law of the said Corporation and a certain agreement made between the said Corporation and Hugh Frederick McLachlin and Claude McLachlin, carrying on business under the name of McLachlin Brothers, which said by-law and agreement are fully set forth in Schedules A and B to this Act; and whereas the said by-law was unanimously passed by the Municipal Council of the Town of Arnprior and the said agreement was entered into pursuant to the authority of the said by-law, and duly executed by the said parties thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: 

By-law No.  
138, exemp-  
tion of Mc-  
Lachlin Bros.  
confirmed.

1. By-law number 138 of the Municipal Corporation of the Town of Arnprior, which is set forth in Schedule A to this Act, is hereby ratified and confirmed and declared to be legal, valid and binding, and within the powers of the said the Corporation of the Town of Arnprior, and to be binding upon the said town and the ratepayers thereof, and the agreement set forth in Schedule B to this Act is hereby ratified and confirmed and declared to be valid and binding upon the respective parties thereto.

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### SCHEDULE A.

BY-LAW NO. 138 OF THE CORPORATION OF THE TOWN OF ARNPRIOR, IN THE COUNTY OF RENFREW, RESPECTING THE PARTIAL EXEMPTION FROM ASSESSMENT FOR MUNICIPAL AND SCHOOL TAXES OF PART OF THE PROPERTY OF MESSRS. McLACHLIN BROS., IN THE TOWN OF ARNPRIOR, FOR A PERIOD OF TWENTY YEARS FROM THE FIRST DAY OF JULY, 1900.

Whereas the corporation of the town of Arnprior have entered into an agreement bearing even date herewith with the firm of McLachlin Bros. to exempt from taxation from all municipal rates and taxes, including school

school taxes, the aggregate value of the real estate, buildings and other property mentioned and described in the said agreement, and the income of the said firm from the business, for so much of the value thereof as shall be in excess of the sum of \$100,000 for a period of ten years from the first day of July, 1900, and further to exempt from all municipal rates and taxes, including school taxes, the aggregate value of the aforesaid property and income for so much of the value thereof as shall be in excess of the sum of \$125,000 for a further period of ten years from the first day of July, 1910, upon the terms and conditions in the said agreement contained.

And whereas it is necessary to authorize the mayor and clerk of the corporation of the town of Arnprior to execute the said agreement and attach the corporate seal thereto, it is, therefore, hereby enacted by the said corporation of the town of Arnprior that the mayor and clerk be and they are hereby authorized and empowered to sign and seal with the corporate seal of the town of Arnprior the said agreement with the said firm of McLachlin Bros., bearing date the seventh day of February, A.D. 1900.

And it is further enacted that the said agreement with the said firm or McLachlin Bros. shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the said agreement, together with this by-law.

Passed, signed and sealed this seventh day of February, in the year of Our Lord 1900.

{ Seal. }

W. M. HOWE,  
Mayor.  
GEO. E. NEILSON,  
Town Clerk.

## SCHEDULE B.

This agreement made in duplicate this seventh day of February, in the year of our Lord nineteen hundred, between the corporation of the town of Arnprior, in the county of Renfrew, in the Province of Ontario (hereinafter called the "corporation"), of the first part; and Hugh Frederick McLachlin and Claude McLachlin, both of the said town of Arnprior, carrying on business under the firm name of "McLachlin Brothers," manufacturers (hereinafter called the "firm"), of the second part:

Whereas the corporation of the village of Arnprior (now the town of Arnprior) did, by by-law passed on the twenty-sixth day of April, A.D. 1881, exempt property as therein described, being part of the property of the said firm of McLachlin Bros., from taxation for a period of ten years from the date of the said by-law:

And whereas the said corporation afterwards, by by-law passed on the sixteenth day of March, A.D. 1891, did renew such exemption for a period of ten years from the twenty-sixth day of April, 1891, upon terms and conditions therein set forth:

And whereas the said term of exemption created by the last-mentioned by-law will expire on the twenty-sixth day of April, 1901:

And whereas the said firm are the only manufacturers of sawn lumber within the limits of the said corporation:

And whereas the said firm have for many years carried on a very large manufacturing business, producing sawn lumber of all kinds and other products of lumber, including lath, shingles, etc., etc., and have now in active operation within the limits of the said corporation and upon the property hereinafter described two saw mills driven by water power and two steam mills, with the machinery and appurtenances thereunto belonging and used in connection therewith, and have necessarily expended very large sums of money in erecting, enlarging and maintaining the said mills and appurtenances and equipping the same, and have a large quantity of  
lumber

lumber in stock, varying from time to time, which is piled upon said property, for seasoning and awaiting shipment :

And whereas the said firm constantly give employment to a very large number of men, mechanics, engineers and other employees, in connection with their said manufacturing establishments, who reside in the said town of Arnprior, and the said firm expend, directly and indirectly, a very large sum of money in the said town for wages and other expenses and outgoings of the business :

And whereas the said firm are desirous of further extending and improving their facilities for manufacturing and purpose making further improvements to their dams and mills and of making additions to their manufacturing establishments of a permanent character, and desire to be assured, before making further expenditure upon such improvements and additions, that the charges which the business of the firm will have to bear for municipal taxes and school rates will not exceed a certain limit :

And whereas the property, in respect of which partial exemption is asked by the said firm, and which is owned and occupied by them as a manufacturing establishment for the storage of the stock or product of their mills and factories, consists of a large block of land on the eastern side of the river Madawaska, separated by the said river from the rest of the town of Arnprior, and the said property is wholly used for the purposes of the business of the firm :

And whereas the said firm have in use on the east side of the said river only a small number of dwellings which are occupied by a few of the men in their employment, whose occupation requires them to live close to their work, not exceeding at the present, seven such dwelling houses :

And whereas the said firm have iron water pipes laid through the piling ground and to the mills for supplying water for fire protection to the piling ground and to the mills, which pipes are supplied by pumps worked by steam and water power machinery, all which were provided by the said firm at their own cost, and are maintained by them at their own expense :

And whereas, in connection with the said pumps, the said firm have always, at their own expense, supplied and maintained a large quantity of fire hose ready for use in case of fire, which has frequently been used, and is always in readiness for use, for the protection of the principal part of the business portion of the said town of Arnprior, being the part in which the most valuable and important buildings are situated, as well as for the protection in part of the property of the firm :

And whereas the said firm have always supplied and paid watchmen, and, thereby, indirectly, have provided further protection of their property and the property of the neighboring ratepayers of the said town, and have supplied the services of their men in working the said fire appliances free of all charge or expense to the corporation :

And whereas the firm have railway sidings into their yard from both the Canada Atlantic Railway and the Canadian Pacific Railway and make very little use of the public roads intersecting the said property, and very little money has been expended by the corporation upon the said roads, and any money so expended was in reality expended for the benefit of the general public, and not of the said firm :

And whereas no money has been spent by the corporation for the benefit of the said property and all the taxes paid upon the said property are expended by the corporation for the benefit of the town on the west side of the said Madawaska river, except the small amount expended on the said roads :

And whereas the members of the said firm are the largest taxpayers in the town of Arnprior upon other property in the said town situated on the west side of the said Madawaska river and upon which no exemption is asked :

And whereas the said firm have presented a petition to the council of the said corporation, asking them to enter into this agreement for the partial exemption of the property of the said firm, above referred to and hereinafter more particularly described, from taxation for the period of twenty years from the first day of July, A. D. 1900 :



And whereas, in consideration of the expenditure of the large sums of money and the employment of the large number of men in the mills, factories and yard of the said firm, as aforesaid, and the benefit accruing to the said town from such expenditure, and the increased value of the taxable property therein by reason thereof, the corporation deem it advisable to enter into this agreement with the said firm for the purpose of granting partial exemption from taxation in respect of the property hereinafter described for the period and upon the terms and conditions hereinafter set forth, and of fixing the amount of the exemption from taxes to be levied for municipal and school purposes on all the firm's real estate, hereinafter mentioned and described, and upon the stock of lumber and other products of the said mills and factories piled upon the said land, and upon the income of said firm arising from the said business;

Therefore, in consideration of the premises, the said corporation hereby agrees with the said firm to exempt, and doth hereby exempt, from taxation the real estate hereinafter described, and all buildings, premises, machinery, appurtenances and stock of lumber and other products of the mills and factories piled or stored upon the real estate of the said firm east of the west bank of the Madawaska river, as hereinafter described, in excess of the value of \$100,000, and that such excess above the value of \$100,000 so exempted shall be free from all taxation for municipal or school purposes for the period of ten years from the said first day of July, A.D. 1900.

And the said corporation hereby further agrees with the said firm to exempt, and doth hereby exempt, from taxation the real estate hereinafter described, and all buildings, premises, machinery, appurtenances and stock of lumber and other products of the mills and factories piled and stored upon the real estate of the said firm east of the west bank of the Madawaska river, as hereinafter described, in excess of the value of \$125,000, and that such excess above the value of \$125,000 so exempted shall be free from all taxation for municipal or school purposes for the further period of ten years from the first day of July, A.D. 1910.

The said real estate intended to be in part exempted from taxation, as aforesaid, may be more fully described, as follows: Being composed of parts of lots two (2) and three (3) in the thirteenth concession of the township of McNab, in the said county of Renfrew, lot two (2) and parts of lots three (3), four (4) and five (5) in the fourteenth concession of the said township, part of lot three (3) and part of lot four (4) in the fifteenth concession of the said township, all now within the limits of the corporation of the town of Arnprior, and included in the following description, that is to say, commencing at a point where the east side of Carss street in the said town intersects a small arm or bay of the Madawaska River on the north side of said bay; thence following the northern bank of said bay and the western bank of said Madawaska river as the same appears at high water mark with the stream following the turnings and windings of the shore to the point where the said west bank intersects the south shore or bank of the Ottawa river, thence south-easterly across the Madawaska River and along the south shore of the Ottawa river at low water mark to the side line between lots numbers two (2) and three (3) in the said fifteenth concession; thence south-westerly along said line and said line produced to the northern angle of said lot number two (2) in the said fourteenth concession; thence south-easterly along the north-east boundary of said lot number two (2) in the fourteenth concession to the side line between lots one (1) and two (2) in the fourteenth concession; thence following the easterly boundary of said lot two (2) in the fourteenth concession and the easterly boundary of lot number two (2) in the thirteenth concession across all public highways and across the right-of-way of the Canada Atlantic Railway and of the Canadian Pacific Railway respectively to the point where said side line intersects the east side of the Madawaska river; thence northerly following the windings and turnings of the east bank of the said Madawaska river down the stream to the point where the side line between lots two (2) and three (3) in the thirteenth concession intersects the said east side of the Madawaska river; thence westerly across the Madawaska river to the place of beginning, excepting out of the foregoing description

description those parts of the said lands above described owned by the Canadian Pacific Railway Company and the Canada Atlantic Railway Company, comprising the right-of-way of the said companies respectively and all public highways crossing the said property.

The said parties hereto further agree that, for and during the said period of ten years from the first day of July next, the aggregate value of the said land and of all the buildings, plant and machinery erected or being thereon, and of all the stock and products of the mills, factories and manufacturing establishments, together with the income of the firm, and of each of the members thereof, derived from the said business, in excess of the said sum of \$100,000, shall, to the extent of the excess of the said aggregate value thereof over the said sum of \$100,000, be exempt from all taxation for municipal or school purposes, as aforesaid; and that, during the said period of ten years from the first day of July, A.D. 1910, the aggregate value of the said land and of all the buildings, plant and machinery erected or being thereon, and of all stock and products of the mills, factories and manufacturing establishments, together with the income of the firm, and of each of the members thereof, derived from the said business in excess of the said sum of \$125,000 shall, to the extent of the excess of the said aggregate value thereof over the said sum of \$125,000, be exempt from all taxation for municipal or school purposes, as aforesaid, notwithstanding any changes, substitutions, alterations or additions to or in the said mills or manufacturing establishments, or to or in the number or character thereof.

The said parties hereto hereby further agree that wherever the word "Firm" is used in this agreement the same shall be construed and taken to mean the said Hugh Frederick McLachlin and Claude McLachlin, jointly and severally, and their and each of their heirs, executors, administrators, and their and each of their assigns and transferees.

It is further agreed between the parties that this agreement shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the same, and also confirming and declaring valid a by-law of the corporation authorizing the Mayor and Clerk of the town of Arnprior to execute this agreement.

The said firm hereby agrees to pay all costs and expenses in procuring the ratification of this agreement and the said by-law by an Act of the Legislature of the Province of Ontario.

In witness whereof the Mayor and Clerk of the Corporation of the Town of Arnprior have hereunto subscribed their hands and affixed the corporate seal of the said Corporation and the said Hugh Frederick McLachlin and Claude McLachlin have set their hands and seals the day and year first above written.

Signed, sealed and delivered in  
presence of :

RICHARD MACNAMARA.

W. M. HOWE,  
Mayor. (Seal.)  
GEO. E. NEILSON,  
Town Clerk.  
McLACHLIN BROS. (Seal.)

## CHAPTER 61

## An Act to consolidate the Debenture Debt of the Village of Arthur.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the Village of Arthur have by petition shown that they have incurred debts for the purpose of improving streets, granting railway aid, for satisfying judgments in the courts recovered by Burns and Madden in an action for damages against the said Corporation, for paying an indebtedness due the Municipal Corporation of the Township of Arthur upon the separation of the Village of Arthur from the Township of Arthur for municipal purposes, and for high school purposes, the particulars of which are shown in Schedule "C" to this Act, for which amount debentures of the Village have been issued under the authority of various by-laws, and that the sinking fund necessary to meet those debentures as they mature has not been regularly provided for, and that no funds except a sinking fund of \$4,345 have been provided by way of sinking fund or otherwise, for redeeming the said debentures or any portion thereof, save and except the annual interest; and that the council of the said Municipal Corporation passed a resolution in open meeting held on the 4th day of December, 1899, authorizing the reeve and treasurer thereof to apply the sum of \$3,000 from the sinking fund moneys in payment of the debentures issued for the said street improvements amounting to \$3,000, which matured on the 30th day of December, 1899, which resolution has been complied with, and whereas the said Corporation have represented that the payments to be made on account of the said debenture debts would be unduly oppressive to the rate-payers; and whereas the said Corporation have by their petition prayed that the members and officers of the said Corporation may be relieved from liability for so applying the said sum of \$3,000 from the said sinking fund moneys and for not levying the annual amount required to provide the said sinking fund; that the remaining debenture debt of \$15,500 may be consolidated and that the said corporation may be authorized to issue debentures for that purpose, less the sum of \$1,345, being the balance at the credit of the said sinking fund, and that the said Corporation may be authorized to apply the said sum of \$1,345 in reduction of the said consolidated debenture debt, before issuing debentures therefor, in such manner as may be most advantageous; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Debts consolidated at \$15,500.

1. The said several debenture debts of the said Village of Arthur, particulars of which are set out in Schedule "C" to this Act, are hereby consolidated at the sum of \$15,500, and it shall be lawful for the Corporation of the said Village of Arthur to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons or body corporate a sum or sums sufficient to retire the said debentures amounting to \$15,500 as they respectively become due, first, however, having reduced the said debenture debt by the sum of \$1,345, the amount of the said sinking fund belonging to the said Corporation; the amount for which debentures are to be issued not exceeding in the whole the sum of \$14,155 exclusive of interest thereon.

Issue of debentures authorized.

2. It shall be lawful for the said Corporation of the Village of Arthur from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being in such sums not less than \$100, and not exceeding \$14,155 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

3. The Corporation of the said Village may, for the purposes in section 8 hereof mentioned raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere or sell and dispose of the said debentures from time to time as they may deem expedient.

Term of debentures.

4. The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the thirtieth day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding four and one-half per cent. per annum.

Payment of debentures and interest.

5. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

6. The said corporation shall levy in addition to all other Special rate rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "Arthur Village Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

7. The debentures to be issued under this Act and all Application of moneys arising therefrom, and the said sinking fund of \$1,345. debentures. shall be applied by the said corporation in the redemption of the said debentures of the Village of Arthur now outstanding, amounting to \$15,500, all of which are set out in Schedule "C" hereto, and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "Arthur Village Consolidated Debt Debentures."

8. The treasurer of the said village shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same, first with the said sinking fund as far as possible, and then with funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures. Calling in outstanding debentures.

9. It shall not be necessary to obtain the assent of the electors of the said Village of Arthur for the passing of any by-law which shall be passed under the provisions of this Act, but to observe the formalities in relation thereto prescribed by *The Municipal Act*. Assent of electors to by-law not required  
Rev. Stat. c. 223.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-law not to be repealed until debt paid.

11. It shall be the duty of the treasurer, from time to time, of the said village to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall Treasurer to keep book showing state of debenture account.

shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said village, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Liability of  
corporation  
not affected.

12. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Village of Arthur from any indebtedness or liability which may not be included in the said debts of the said village.

Form of  
debenture  
and by-law.

13. The debentures to be issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same may be in the form contained in Schedule "B" to this Act.

Inconsistent  
enactments  
not to apply.

14 Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or in any by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or by-laws, or issue of debentures, or as to the application of the proceeds thereof.

Irregularity  
in form not to  
invalidate  
debentures.

Members of  
council and  
officers re-  
lieved from  
liability as to  
sinking fund.

15. Section 418 of *The Municipal Act* shall not apply nor shall any other section of the said Act apply so as to render any member of the council or any officer of the corporation of the said village liable under the said section or other sections by reason of the passing of the said resolution of the 4th December, 1899, nor by reason of neglect to levy for or provide the annual amounts required to be raised for sinking funds for the several debenture debts hereby consolidated.

Short title.

16. This Act may be cited as "*The Village of Arthur Debenture Act, 1900.*"

## SCHEDULE A.

(Section 13.)

No. —

CONSOLIDATED DEBT DEBENTURE, PROVINCE OF ONTARIO, VILLAGE OF ARTHUR.

Under and by virtue of The Village of Arthur Debenture Act, 1900, and By-law No. of the Corporation of the Village of Arthur, passed under



under the provisions contained in the said Act, the Corporation of the Village of Arthur promise to pay bearer at \_\_\_\_\_ in the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. and the yearly coupons hereto attached, as the same shall severally become due.

Dated at Arthur, in the County of Wellington, this \_\_\_\_\_ day of \_\_\_\_\_ A. D.

A. B., Reeve.  
C. D., Treasurer.

## SCHEDULE B.

(Section 13.)

BY-LAW NO.—To AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE AUTHORITY OF THE VILLAGE OF ARTHUR DEBENTURE ACT, 1900.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding \$ \_\_\_\_\_ in the whole, as the Corporation of the Village of Arthur may, in pursuance of and in conformity with the provisions of the said Act direct;

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ \_\_\_\_\_ payable on the \_\_\_\_\_ day of \_\_\_\_\_ and on the \_\_\_\_\_ day of \_\_\_\_\_ (or as the case may be) with interest thereon at the rate of \_\_\_\_\_ per centum per annum, payable yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the said Village of Arthur according to the last revised assessment roll of the said village being for the year one thousand nine hundred, was \$ \_\_\_\_\_

Therefore the Corporation of the Village of Arthur enacts as follows:—

(1) Debentures under the said Act and for the purposes mentioned therein to be known as Consolidated Debt Debentures, to the extent of the sum of \$ \_\_\_\_\_ are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons attached thereto, for the payment of interest at the rate of \_\_\_\_\_ per centum per annum, payable yearly, on the \_\_\_\_\_ day of \_\_\_\_\_ in each year.

This By-law passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand nine hundred and \_\_\_\_\_

## SCHEDULE C.

(Section 7.)

Street Improvement Debentures.....	\$ 3,000
Toronto Grey and Bruce Railway Debentures.....	5,000
Burns and Madden and Arthur Township Debentures .....	5,500
High School Debentures.....	5,000
<b>Total Debenture Debt.....</b>	<b>\$18,500</b>
Less Street Improvement Debentures paid out of Sinking Fund.....	3,000
<b>Net Debenture Debt.....</b>	<b>\$15,500</b>

## CHAPTER 62

## An Act respecting By-law No. 483 of the Town of Barrie.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Barrie has by petition represented that on the 30th day of January, 1900, an agreement was entered into between the Barrie Tanning Company, Limited, and the said Municipal Corporation (which agreement is set out in Schedule A hereto) for the purpose of declaring and defining the terms and conditions upon which the said Corporation should aid the said Company by way of a loan not exceeding the sum of \$30,000, for the purpose of enabling the said Company to erect new buildings, instal new machinery and plant, and otherwise improve and increase the business heretofore carried on by the said Company in the said Town of Barrie, the repayment of the said loan to be secured by a mortgage on all the Company's real estate, machinery and plant, as more fully set out in the said agreement; and that the said Corporation did in pursuance of the said agreement pass a by-law numbered 483 for the carrying out of the purposes set forth in the said agreement and the granting of such aid to the said Tanning Company, a copy of which by-law is contained in Schedule B hereto; and whereas the said by-law before it was finally passed, received the assent and approval of the ratepayers of the said Town entitled to vote on money by-laws under the provisions of *The Municipal Act*, five hundred and seven ratepayers having voted therefor while only thirty-two ratepayers voted against the same; and whereas there is no other tannery or business of like character in the said town; and whereas it has been represented that it is expedient and will be of advantage to the said municipality that the said agreement and by-law should be confirmed and declared legal, valid and binding; and the said Municipal Corporation has prayed that an Act may be passed to legalize, ratify and confirm the said agreement and by-law; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said agreement which is set out in schedule A to this Act, is confirmed and declared to be legal, valid and binding upon the parties thereto and their successors respectively.

Agreement with tanning company confirmed.

2. The said by-law of the said Town of Barrie, being by-law number 483 of the said town as set forth in schedule B. to this Act, is confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the rate payers thereof notwithstanding any defect in substance or form, or in the manner of passing the same or otherwise, and notwithstanding any want of authority of the said Corporation to pass the same.

By-law for lending \$30,000 to tanning company confirmed.

3. It shall be lawful for the Municipal Corporation of the said Town of Barrie to take and receive from the said The Barrie Tanning Company, Limited, a mortgage upon the lands machinery and plant of the said Company, as set out in the said agreement and to hold the same and any other securities (if any) which may hereafter be given for repayment of the said loan and to take all necessary and proper proceedings and exercise all remedies for the collection of the moneys secured by the said mortgage and other securities upon the default of the company in carrying out the several agreements and covenants with the said Municipal Corporation, agreed to be given and mentioned in the said agreement of the 30th day of January, 1900.

Mortgage to secure loan to tanning company.

4. The said the Municipal Corporation of the Town of Barrie is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued, with the interest coupons attached thereto shall be legal and binding upon the said corporation and the ratepayers thereof.

Issue of debentures authorized.

## SCHEDULE A.

### (Section 1.)

This indenture made in triplicate this thirtieth day of January, 1900, between The Barrie Tanning Company, Limited, of the first part and The Municipal Corporation of the Town of Barrie, of the second part.

Whereas the said parties of the first part have for the last five years and upwards carried on continuously in the said town of Barrie, the business of tanners and manufacturers of leather ;

And whereas they desire to extend and increase their said business and to erect and build other buildings and premises and to procure additional and more modern plant and machinery suitable for such increased business so as to enable them to carry on the same according to the most approved methods now in use ;

And whereas the said parties of the first part have agreed to erect said buildings on and adjacent to the site of their present tannery or elsewhere within the corporate limits of the said town and also have agreed that when the said new buildings and plant are erected, installed and completed they will employ in the carrying on of their said business at least fifty workmen (their present employees being less than one half that number) who shall be residents of that town ;

And



And whereas the said parties of the first part have applied to the said parties of the second part to aid them by lending them the sum of \$30,000 or such less sum as may be required for the purchase of the site, the erecting of the said buildings and the purchase and installation of the said plant and machinery ;

And whereas the municipal council of the said corporation of the town of Barrie, deem it expedient to grant the application and request of the said parties of the first part upon the terms and conditions hereinafter set forth ;

Now this indenture witnesseth and it is hereby covenanted and agreed by and between the said parties of the first and second parts their respective successors and assigns as follows :—

1. The said parties of the part agree to procure suitable lands for the erection of the said buildings and plant either on or adjacent to the site of their present tannery or elsewhere within the corporate limits of the said town, but if not on or adjacent to the site of their present tannery such site elsewhere shall not be located any place south of Dunlop street between the gas-works and Mary street in the said town, the price of which land shall be first approved of by the said parties of the second part.

2. The said parties of the first part agree that they will within one year after the passing of the Act of the Legislature hereinafter mentioned, erect and build upon such site such buildings and other erections and will put and place thereon such machinery and plant as may be necessary to make the whole a modern up-to-date and well equipped tannery of such character and capacity that to carry on the same will require the employment and services of at least fifty workmen who shall be employed in and about the said tannery premises and shall be all resident in the said town.

3. The said parties of the first part also agree that upon the completion of the said tannery they shall employ continuously for at least three hundred days in each year during the period any portion of the debt hereinafter mentioned remains unpaid (and being for about the term of from 15 to 20 years) in the carrying on of their said business of tanning and manufacturing of leather at least the said fifty workman and also shall maintain and keep in active operation the said tannery during the said period.

4. The said parties of the first part also agree to secure to the said parties of the second part by a first mortgage clear of all dowers, liens charges and encumbrances upon the said lands, premises, plant and machinery to be used as such improved tannery (which said plant and machinery shall for the purposes of the said security be regarded as part of the freehold) the re-payment of the said sum of \$30,000 or such less sum as shall be required for the purposes aforesaid and interest thereon as follows, that is to say, the said monies to be repayable in such amounts and upon such dates and terms as shall be set out and named in the by-law to be passed as hereinafter mentioned by the said town corporation or in the debentures and coupons issued under such by-law and so that the said parties of the second part shall on or before the due dates of such debentures and coupons be paid and supplied by the said parties of the first part with funds to meet the moneys becoming due thereunder; such mortgage shall be in the form annexed hereto and if required the said parties of the first part shall also execute and deliver to the said parties of the second part at any time a confirmatory mortgage on the said lands, machinery and plant as additional security to the said mortgage.

5. The said parties of the first part also agree to insure and keep insured during the period any portion of the said debt remains unpaid against loss or damage by fire, in insurance companies to be approved of by the said parties of the second part their buildings, plant, machinery and stock (manufactured, unmanufactured and in the course of manufacture) to an amount not less than the debt existing from time to time from the said parties of the first part to the said parties of the second part and in such proportions upon the said buildings, plant, machinery and stock as may be required by the said parties of the second part and

will pay all premiums and sums of money necessary for such purpose as the same shall become due and will assign, transfer and deliver over unto the said parties of the second part the policy or policies of assurance receipt or receipts thereto appertaining and if the said parties of the second part shall pay any premiums or sums of money for insurance of the said premises or any part thereof the amount of such payment with interest thereon at the rate of six per cent per annum, from the time of such payment shall be repayable to them forthwith.

6. And the said parties of the first part agree to notify the said parties of the second part of their board meetings, and that the mayor of the said town, or such one of the town auditors as the Council may from time to time appoint, shall be entitled to and may attend the said board meetings, and to inspect and examine the monthly and other statements of the affairs of the said parties of the first part, and for such purpose shall have access to the books and vouchers of the said parties of the first part at all reasonable times, but not more frequently than once a month to verify such statements, and the said parties of the first part agree to produce at their head office in the said town of Barrie all of their books and vouchers at any time on demand for the purpose of such inspection and verification, and should the said parties of the first part not be found paying their liabilities as they mature the moneys secured as aforesaid shall immediately become due and payable.

7. The said parties of the first part also agree that the lands, buildings, machinery and plant for the acquiring, erecting, purchasing and installing, of which the said advance from the said parties of the second part is to be made as hereinafter set forth, are to be such only as shall be acquired, erected, purchased and installed after the passing of the by-law hereinafter mentioned, and any lands, buildings, machinery and plant now or at the said time owned by the said parties of the first part are not to be taken into account or estimated for in arriving at the amount to be advanced by the said parties of the second part as hereinafter set forth.

8. The said parties of the first part further agree that before the said parties of the second part shall be called upon to make any of the advances hereinafter referred to, they the said parties of the first part shall have at least forty thousand dollars of their stock subscribed, on which there shall be paid up at least \$30,000 in cash, the amount of the paid up stock now being under \$17,000, and the said parties of the first part shall furnish the statutory declaration of their president or treasurer proving the said facts, nor shall the said parties of the second part be called upon to pay any part of the said loan to the said parties of the first part until the said parties of the first part shall have purchased and paid for said building site, and shall have delivered to the parties of the second part the said mortgage.

9. The said parties of the second part agree to advance, lend and pay over to the said parties of the first part, in sums of not less than \$5,000 at any one time, such an amount of money as shall be required for the purchase of the said site, the erection of the said buildings, and the purchase and installation of the said machinery and plant, not to exceed in the whole the sum of \$30,000, and the said monies shall be payable and be paid from time to time in manner following, that is to say, as the work of the erecting said buildings and the purchase and installation of the machinery and plant progresses there shall be produced to the said parties of the second part progress certificates of the architect in charge of such building operations, and receipted bills or invoices for said machinery and plant and materials, and on production thereof, the said parties of the first part shall be entitled to receive from the said parties of the second part seventy-five per cent. of the value of said work, materials, machinery and plant as represented by said progress certificates and receipted bills and invoices, such advances, however, not to be less than \$5,000 at any one time, as hereinbefore mentioned, and such progress certificates shall state whether or not they include the price of any machinery and plant and materials, and in the event of the said parties of the second part being dissatisfied with the progress certificates and receipted bills and invoices to be issued as aforesaid, they shall be at liberty to demand and receive a

statutory

statutory declaration made by the president, manager or treasurer of the said company stating that the certificate of the said architect is true and correct to the best of his knowledge and belief, and that the sum then claimed by the company is fairly and properly payable for the said lands, buildings, plant and machinery, as the case may be, and that all monies previously received by the said parties of the first part from the said parties of the second part had been actually paid out on account of the said lands, buildings, plant and machinery in accordance with the terms of this agreement. The remaining 25 per cent. required for the purchase of the said lands, and the erection of the said buildings thereon, and the purchase and installation of the said machinery and plant shall be paid to the said parties of the first part so soon as the said tannery is completed and in running order, and the time for registering liens against any part thereof has expired.

10. The debentures to be issued by the said parties of the second part in pursuance of the said by-law are to bear interest at the rate of three and one-half per cent per annum payable half yearly, and the parties of the first part are to bear any loss should the said debentures sell for any less than their face or par value and to receive any profit on any debentures that may be sold should they sell for more than such face or par value, such excess however is not to be paid until the time arrives for the payment of the 25 per cent reserved as aforesaid.

11. The said parties of the second part also agree to submit a by-law to the electors of the municipality entitled to vote on money by-laws not later than the 26th day of February next, for the purpose of obtaining their assent to the said loan, and also will aid the said parties of the first part in securing legislation to ratify such by-law, and enable the said loan to be made, and to enable the said parties of the second part to take the said security therefor, the provisions of the said Act to be first approved of by the parties of the second part before becoming law.

12. The expenses connected with the passing of the said by-law the taking of the said vote and the securing of the said legislation and registration of the said mortgages, by-law and this agreement shall be borne and paid by the said parties of the first part except in so far as the said parties of the second part shall incur expense for legal advice and services for which legal advice and services they the said parties of the second part shall pay and except also the cost of advertising and publishing the proposed by-law and the cost of taking the said vote which the said parties of the second part shall also bear.

13. It is understood and agreed that this agreement shall not become operative and binding upon the parties hereto unless and until the necessary assent of the electors aforesaid shall have been obtained to the passing of such by-law and unless and until this agreement and the said by-law shall have been made valid and duly legalized and confirmed by the legislature of the Province of Ontario.

In witness whereof the said parties of the first part have hereunto affixed their corporate seal and the hand of their president and secretary and the said parties of the second part have hereunto affixed their corporate seal and the hand of the mayor and clerk of the said corporation.

G. A. RADENHURST,  
Mayor.  
E. DONNELL,  
Clerk.

{  
Cor-  
porate  
Seal.  
}

S. R. WICKETT,  
President.  
G. H. ESTEN,  
Secretary.

{  
Cor-  
porate  
Seal.  
}

## SCHEDULE B.

(Section 2.)

BY-LAW No. 483, BEING A BY-LAW TO AUTHORIZE THE LOAN OF \$30,000 TO THE BARRIE TANNING COMPANY (LIMITED), AND TO AUTHORIZE THE ISSUE OF DEBENTURES TO RAISE SAID LOAN.

Whereas The Barrie Tanning Company, Limited, has applied to the municipal



municipal corporation of the town of Barrie for a loan of \$30,000 upon the security of a mortgage on the land, machinery and plant of the said company, and otherwise, as more fully set out in an agreement made between the said company and this corporation, bearing date the Thirtieth day of January, 1900, for the purpose of aiding the said company to erect larger premises, instal more modern machinery and plant, and generally to increase the business of the said company, thus rendering necessary the employment of many more persons than at present employed by the said company, and it is desirable to grant the said application.

And whereas it will be necessary for such purposes to issue debentures of the said corporation for the said sum of \$30,000.

And whereas it will be requisite to raise annually during the term of twenty years hereinafter mentioned by special rate to pay the said debt to be created by this by-law and interest thereon, the sum of \$2,110.83.

And whereas the amount of the whole rateable property of the municipality of the town of Barrie, according to the last revised assessment roll is \$1,566,615.

And whereas the amount of the existing debenture debt of the said municipality is \$220,941.99, of which no part, either for principal or interest is in arrear.

Therefore the municipal council of the corporation of the town of Barrie enacts as follows:

1. That to raise the sum of \$30,000 for the purposes aforesaid, it shall be lawful for the corporation of the said municipality to issue debentures of the said municipality to said amount in sums of not less than \$100 each, payable within twenty years from the date of the assent to the Act authorizing or legalizing this by-law.

2. That the said debentures so to be issued for the said sum of \$30,000 shall bear interest at the rate of  $3\frac{1}{2}$  per cent. per annum, payable half yearly, such debentures shall be payable in twenty annual successive instalments, and such annual instalments of principal and semi-annual instalments of interest to be of such amount that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period, and one of such debentures or instalments of principle shall be payable at the end of each year from and after the date of the assent to the Act confirming this by-law for the said period of twenty years, as shown in the schedule to this by-law, the said interest being payable at the end of each half year during the same period.

3. That the said debentures as to principal and interest shall be payable at the branch of the Bank of Toronto in the said town of Barrie.

4. That it shall be lawful for the mayor of the said municipal corporation, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and the interest coupons attached thereto, and to cause the same also to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied in each year during the currency of said debentures or any of them by special rate on all the rateable property of the said municipality in the same manner as other taxes are levied, a sum sufficient to pay and discharge the said several yearly sums of principal and half-yearly sums of interest so accruing due as the same become respectively payable according to the terms of this by-law, that is to say the said total sum of \$2,110.83 in each of said years; provided that the moneys paid by the said company under the said mortgage (and which moneys are intended to meet the said debenture debt) shall be applied in payment of the said debentures and coupons and it shall not be necessary to actually collect the said rate in any year in which the said company has made payment under the said mortgage and the town has from that source sufficient money in hand to pay the debentures and coupons coming due in said year.

6. The purchaser of any of the said debentures shall not be required to see to the application of the purchase money thereof or that the condition of any agreement made or to be made between The Barrie Tanning Company

pany and the corporation of the town of Barrie have been complied with, observed or performed, but said debentures and coupons shall be unimpeachable on any such grounds in the hands of any purchaser for value.

7. That this by-law shall come into force and take effect upon the same being authorized or confirmed and legalized by the Legislature of the Province of Ontario.

8. The votes of the duly qualified electors of the said town of Barrie shall be taken on this by-law on Monday the 26th day of February, 1900, commencing at 9 o'clock in the forenoon, and continuing until 5 o'clock in the afternoon, at the undermentioned places and by the following Deputy Returning Officers, that is to say :—

Ward No. 1.—Caldwell's shop, L. G. Erly.

Ward No. 2.—Market Building, Joseph Rogers.

Ward No. 3.—Fire Hall Building, R. J. Fletcher.

Ward No. 4.—E. B. Reid's shop, John Powell.

Ward No. 5.—Hogg's Woollen Mill, Thomas Milbee.

Ward No. 6.—Orange Hall, Edward Whitebread.

9. That on the 23rd day of February, 1900, at the Council Chambers in the said town of Barrie, at 2 o'clock in the afternoon, the Mayor will appoint in writing, signed by him, two persons to attend at the final summing up of the votes and one person to attend at each of the said polling places on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number of persons and for the same purpose on behalf of the persons interested in and desirous of opposing the passing of this by-law.

10. That the said Clerk of the said council shall at his office in the said Council Chambers on the 27th day of February, 1900, at the hour of two o'clock in the afternoon sum up the number of votes given for and against this by-law.

Schedule to the foregoing By-law No. 483.

No. of debenture.	Annual instalment of principal.	When principal payable.	Semi-annual payment of interest.	Total payments of principal and interest.
1.....	\$1,060 83	1901	\$625 00	\$2,110 83
2.....	1,097 96	1902	506 43	2,110 83
3.....	1,136 39	1903	487 22	2,110 83
4.....	1,176 17	1904	467 33	2,110 83
5.....	1,217 33	1905	446 75	2,110 83
6.....	1,259 94	1906	425 44	2,110 83
7.....	1,304 03	1907	403 40	2,110 83
8.....	1,349 68	1908	380 58	2,110 83
9.....	1,396 91	1909	356 96	2,110 83
10.....	1,445 81	1910	332 51	2,110 83
11.....	1,496 41	1911	307 21	2,110 83
12.....	1,548 78	1912	281 02	2,110 83
13.....	1,602 99	1913	253 92	2,110 83
14.....	1,659 10	1914	225 86	2,110 83
15.....	1,717 16	1915	196 83	2,110 83
16.....	1,777 26	1916	166 78	2,110 83
17.....	1,839 47	1917	135 68	2,110 83
18.....	1,903 85	1918	103 49	2,110 83
19.....	1,970 48	1919	70 17	2,110 83
20.....	2,039 45	1920	35 69	2,110 83

\$30,000 00

Read a first and second time in open council on the 30th January, 1900.  
Read a third time and finally passed on the 5th day of March, 1900.

(Signed)

G. A. RADENHURST,

Mayor.

E. DONNELL,

Town Clerk.

{ Corporate Seal. }

## CHAPTER 63

## An Act respecting certain Debentures of the Town of Bracebridge and the Township of Stephenson.

*Assented to 30th April, 1900.*

WHEREAS Richard J. Lance, of the Township of Watt, Preamble  
in the District of Muskoka, has by his petition represented that the Corporation of the Town of Bracebridge (in the District of Muskoka) on the 1st day of November, 1896, under the authority of *The Consolidated Municipal Act 1892* and amending Acts, and pursuant to By-law No. 77 of the said town, passed on the 25th day of September, 1896, intituled "A By-law to authorize the further extension of the Waterworks in the Town of Bracebridge and to issue debentures therefor to the extent of \$9,000," issued certain debentures known as Town of Bracebridge Waterworks Debentures, 3rd issue, numbered 1 to 30 inclusive, with coupons for payment of the interest; and that the Corporation of the Township of Stephenson (in the District of Muskoka) on the 6th day of March, 1897, pursuant to By-law No. 222 of the said township, passed on the 6th day of March, 1897, to raise by way of loan the sum of \$550 for the purposes of School Section No. 8 of the said township, issued a certain debenture for the sum of \$550 with coupons for payment of interest; that the said Richard J. Lance purchased the said debentures from the said respective corporations and became the owner thereof in his own right absolutely, and deposited the same for safe keeping in the Banking Office of Alfred Hunt at the said Town of Bracebridge; that before any of the said debentures or the interest thereon had become due or been paid, and while they were still in the custody of the said Alfred Hunt, the said banking office was on the night of the 26th or the morning of the 27th day of May, 1897, broken into by burglars and the said debentures were stolen therefrom; that due notice was given to the Dominion Bank at Toronto, being the stated place at which the said debentures issued by the Town of Bracebridge, were made payable, and to the Treasurer of the Township of Stephenson, at whose office the said debenture issued by the Township of Stephenson was made payable, and that although diligent enquiry by private effort and public advertisement has been made the said debentures have not been recovered and no clue to their whereabouts has been discovered, nor have any of them been presented for payment; and whereas the said municipal corporations respec-  
tively



tively are desirous of paying the moneys now due on the said debentures and the moneys accruing due thereon as and when the same shall become payable, but the said Richard J. Lance is unable by reason of insufficient means to indemnify them against such payment, and being therefore unable to collect his said money is seriously inconvenienced and damnified in consequence of the withholding of such payments; and whereas the said municipal corporations respectively are willing to pay such moneys as have already matured according to their respective liability, provided the requisite authority is given to them and the said stolen debentures are duly cancelled; and whereas the case of the said Richard J. Lance is exceptional and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town and township authorized to pay amounts due on stolen debentures.

1. It shall be lawful for the said the Corporation of the Town of Bracebridge and the Corporation of the Township of Stephenson and the said Municipal Corporations are hereby respectively authorized and required to pay to the said Richard J. Lance his heirs or assigns any and all moneys both for principal and interest which shall have matured at least one year before the date of the passing of this Act on the said debentures and coupons issued by them respectively, according to their respective liability therefor, and the receipt of the said Richard J. Lance his heirs or assigns for such payment shall be a good and sufficient discharge to the said corporations respectively, and immediately after the lapse of one year from the maturing of each of the remaining unpaid debentures or coupons, if each or any of such debentures or coupons have not previously been presented for payment by and payment been made to an innocent holder for value, the corporation issuing such debenture or debentures and coupons shall on demand by the said Richard J. Lance his heirs or assigns pay the amount called for by such debenture or coupon as the case may be and upon such payment such debenture or coupon so paid shall be annulled and cancelled and the said municipal corporation shall not again be called upon to pay such debenture or coupon to any person or corporation but such payment shall be a full and free discharge to the municipal corporation making such payment from all liability to any person or corporation whomsoever or whatsoever: Provided that before any such payment shall be made on account of the said debentures or coupons or any of them to the said Richard J. Lance his heirs or assigns the said Richard J. Lance shall under the direction of the Town Clerk of the Town of Bracebridge spend \$100 in advertizing for the said lost debentures as follows: \$40 shall be spent in printing and posting circulars in the form set out in the Schedule to this Act to all the principal bankers and brokers in Canada and

the

the United States of America whose names can be ascertained by the said clerk, and \$60 shall be spent equally, or as nearly so as may be under the direction of the said clerk, in advertising in the *Globe and Mail and Empire* newspapers respectively, published in the City of Toronto, the said lost debentures in terms similiar to those contained in the Schedule to this Act.

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### SCHEDULE A.

Bracebridge,                      day of        1900.

The public are hereby notified that on or about the 26th or 27th day of May, 1897, the Banking office of one Alfred Hunt in the Town of Bracebridge was broken into and certain debentures were stolen therefrom viz : Bracebridge Waterworks Debentures, 3rd issue, 1 to 30 inclusive with coupons for payment of interest for the principal sum of \$9,000; and one debenture of the Township of Stephenson for the principal sum of \$550, for the purposes of School Section No. 8 of the said Township ; that one Richard J. Lance was the holder of the said debentures ; that the said Municipal Corporations have refused to pay the said Richard J. Lance the amounts that have already fallen due on the said debentures ; that the said Richard J. Lance has applied to the Legislature of the Province of Ontario, for relief and to authorize the said Corporations to pay to him the said Richard J. Lance, the amounts of the said debentures as they severally fall due ; and that the said Legislature has authorized and directed the said Municipal Corporations to pay to the said Richard J. Lance the amounts of such debentures and interest coupons as have already been due for more than one year and also to pay the amount of each debenture and coupon that shall hereafter fall due immediately after the lapse of one year from its maturity, if before such date the said debenture or coupon has not been paid by the Municipal Corporation issuing such debenture or coupon to an innocent holder for value. Govern yourself accordingly.

Clerk of the Town of Bracebridge.

## CHAPTER 64

An Act to confirm and legalize a By-law and agreement of the Corporation of the Town of Collingwood.

*Assented to 30th April, 1900.*

Preamble.

WHEREAS The Municipal Corporation of the Town of Collingwood has by petition represented, that Alexander McDougall, of the City of Duluth, in the State of Minnesota, one of the United States of America, ship builder, and the Dry Dock and Wrecking Company of Collingwood, (Limited), have proposed to establish, operate and maintain a large steel ship-building yard, within the limits of the Town of Collingwood, provided the said municipal corporation would grant by way of aid to the said undertaking, the sum of \$50,000; that by an agreement bearing date the 14th day of November, A.D., 1899, and made by the Municipal Corporation of the Town of Collingwood, of the first part, and the said Alexander McDougall and the said The Dry Dock and Wrecking Company of Collingwood, (Limited), of the second part, the parties of the second part did agree to establish within the limits of the Town of Collingwood, a modern, first-class, steel ship-building yard, fully equipped with all necessary plant and machinery, capable of constructing, at one time, four of the largest class of steel vessels required in the navigation of the Upper Lakes, and to continuously and properly maintain and operate the same, at the said Town of Collingwood, for a period of thirty years; in consideration whereof the said municipal corporation did agree to pay to the said parties of the second part, when the said industry should be in complete operation, the sum of \$50,000, a copy of which agreement is set out in schedule "A" to this Act; that on the 30th day of November, A.D., 1899, a by-law to issue debentures for the sum of \$50,000 to grant by way of aid to the said industry, was submitted to the ratepayers of the said town, and upon such submission there were cast in favour of the said by-law 671 votes, and against the said by-law 14 votes, the said by-law being therefore approved of by a majority of 657 votes; that the establishment of the proposed industry is of vital importance, not only to the said town, but to the Province at large; that the said Municipal Corporation has made the said debentures to be issued under the said by-law repayable by annual sums during a period of thirty years, but has doubts  
if



if the said proposed debt would be a debt incurred for harbour improvements, and if the said corporation has power to extend the time for payment of the proposed debt for a period of thirty years, and therefore prays that an Act may be passed confirming and legalizing a by-law of the said municipal corporation, granting a bonus of \$50,000 to the said Alexander McDougall and the said The Dry Dock and Wrecking Company of Collingwood, (Limited), toward the establishment of the said steel ship-building industry, and authorizing the issue of debentures therefor, repayable during a period of thirty years, a copy of which by-law is set out in schedule B to this Act and confirming and legalizing an agreement bearing date the 18th day of November, A.D., 1899, made between the said the Municipal Corporation of the Town of Collingwood and the said Alexander McDougall, and the said The Dry Dock and Wrecking Company of Collingwood, (Limited); and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 546½ of the Municipal Corporation of the Town of Collingwood, granting a bonus of \$50,000 towards the establishment of a steel ship-building industry, and authorizing the issue of debentures therefor, repayable during a period of thirty years, which by-law is set out in schedule "A" to this Act, is confirmed and declared to be legal, valid and binding upon the said municipal corporation, and the rate-payers thereof in the same manner and to the same extent, as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass such by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

By-law No.  
546½ bonusing  
steel ship-  
building works  
confirmed.

2. The agreement referred to in the said by-law made between the said Town of Collingwood and the said Alexander McDougall, and the said The Dry Dock and Wrecking Company of Collingwood, (Limited), and which is fully set out in schedule "B" to this Act, is hereby ratified and confirmed to the same extent as if set out at length in this Act.

Agreement  
with A. Mc-  
Dougall and  
Dry Dock, etc.  
Co., confirmed.

## SCHEDULE A.

(Section 1.)

BY-LAW No. 546 $\frac{1}{2}$  TO RAISE BY WAY OF DEBENTURES THE SUM OF FIFTY THOUSAND DOLLARS, TO GRANT BY WAY OF BONUS TO ALEXANDER McDougall, OF THE CITY OF DULUTH, IN THE STATE OF MINNESOTA, SHIP BUILDER, AND HIS ASSOCIATES, TOWARDS THE ESTABLISHMENT AND OPERATION OF A STEEL SHIPBUILDING YARD, AT THE TOWN OF COLLINGWOOD.

Whereas, the said Alexander McDougall and his associates have proposed to establish and operate within the town of Collingwood, a steel ship building yard for the building of steel ships, providing they were granted by way of aid to the said industry, a bonus of \$50,000.

And whereas the requirements for a large number of Canadian vessels for lake navigation are now very apparent and the establishment of an industry of this kind will require a large investment of capital and will necessarily employ a good deal of labor, which will be of great advantage to the town and surrounding country.

And whereas, the said Alexander McDougall and his associates have agreed to establish and operate, the said ship yard, as soon as may be after the final passing of this by-law, and upon the terms of agreement to be entered into between the said Alexander McDougall and his associates and the said corporation of Collingwood.

And whereas, it is necessary to raise by way of debentures the sum of fifty thousand dollars, to grant by way of aid to the said industry.

And whereas, the amount of the whole rateable property of the municipality of the town of Collingwood, according to the last revised assessment roll amounts to \$1,290,054.

And whereas, the existing debenture indebtedness of the said municipality amounts to \$233,502.77, and no principal or interest is in arrears.

And whereas, it will require the sum of \$2,891.55, to be raised annually for a period of thirty years, to pay the interest of and discharge the said debt, as the same becomes due and payable.

Therefore, the municipal council of the corporation of the town of Collingwood, enacts as follows:—

1. That the mayor of the said town is hereby authorized and required to issue debentures of the said town to the amount of fifty thousand dollars, and such debentures shall be signed by the mayor and treasurer of the town of Collingwood, and sealed with the corporate seal, and there shall be thirty such debentures, each for the sum of \$2,891.55, payable the first day of December, in the year of our Lord, 1900, and on each of the next succeeding twenty-nine years, it being estimated that such thirty debentures are equal to \$50,000, of principal money, with interest from the first day of December, 1899, at the rate of 4 per centum. per annum, upon the amount of the principal money from time to time unpaid, the amount of principal and interest represented in each of such debentures being as follows:—

YEAR.	INT.	PRIN.	ANNUAL PAYMENT.
1	\$2000 00	\$891 55	\$2891 55
2	1964 34	927 21	2891 55
3	1927 30	964 25	2891 55
4	1888 75	1002 80	2891 55
5	1848 62	1042 93	2891 55
6	1806 90	1084 65	2891 55
7	1763 50	1123 05	2891 55
8	1718 35	1173 20	2891 55
9	1671 45	1220 12	2891 55
10	1622 69	1268 86	2891 55
11	1571 92	1319 63	2891 55

YEAR.

YEAR.	INT.	PRIN.	ANNUAL PAYMENT.
12	1519 10	1372 45	2891 55
13	1464 25	1427 30	2891 55
14	1407 15	1484 40	2891 55
15	1347 75	1543 80	2891 55
16	1286 05	1605 50	2891 55
17	1221 75	1669 80	2891 55
18	1155 05	1736 50	2891 55
19	1085 55	1806 00	2891 55
20	1013 25	1878 30	2891 55
21	938 15	1953 40	2891 55
22	860 05	2031 50	2891 55
23	778 79	2112 76	2891 55
24	694 25	2197 30	2891 55
25	606 35	2285 20	2891 55
26	514 95	2376 60	2891 55
27	419 84	2471 71	2891 55
28	320 95	2570 60	2891 55
29	218 23	2673 32	2891 55
30	111 24	2780 31	2891 55

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\$50000 00

2. The proceeds of the said debentures shall be applied for the purpose, which it is raised in the manner, stipulated in the said agreement.

3. To provide for the payment of the said sum of fifty thousand dollars, and interest thereon, as aforesaid, the sum of \$2,891.55, shall be levied and raised annually for the period of thirty years, commencing with the year 1900, by a special rate, sufficient therefor, on all the rateable property in the town of Collingwood.

4. The said debentures shall be payable at the Bank of Toronto, Collingwood.

5. That this by-law shall come into force, and have effect, from and after the passing thereof.

6. That the votes of the qualified electors, of the said town of Collingwood shall be taken by ballot, upon this by-law, at the following times and places, and by the undermentioned deputy-returning officers, that is to say :—

On Thursday, the thirtieth day of November, A. D., 1899, at the hour of nine o'clock in the forenoon continuing until five o'clock in the afternoon of the same day, at the polling places hereinafter mentioned ; and the following persons shall be deputy-returning officers, take to the votes of the qualified ratepayers at such places, that is to say :—

In polling sub-division No. 1, first ward, the town hall, Hurontario Street, W. R. Anderson, deputy-returning officer.

In polling sub-division No. 2, second ward, Ditson's old store, lot No. 25, east Hurontario Street, James W. Archer, deputy-returning officer.

In polling sub-division No. 3, second ward, Mrs. Hill's residence, lot No. 8, east Ste. Marie Street, Charles Peter, deputy-returning officer.

In polling sub-division No. 4, third ward, James' pump factory, lot 13, east Beach Street, Matthew J. Pomphrey, deputy-returning officer.

In polling sub-division No. 5, fourth ward, Patrick Howard's place of business, cor. of Hurontario and Third Streets, Patrick Howard, deputy-returning officer.

In polling sub-division No. 6, fifth ward, Thos. Gillson's House, lot 42, west Pine Street, Thos. Gillson, deputy-returning officer.

6. That at ten o'clock in the forenoon of the 29th day of November, A. D., 1899, at the town hall, Collingwood, the person to attend at the various polling places on behalf of the persons interested in promoting, or opposing the passage of this by-law, shall be appointed and such persons shall also attend at ten o'clock in the forenoon on the 1st day of December, A. D., 1899, at the said town hall, at the final summing up of the votes given for and against this by-law, together with the two persons to

be



be appointed by the head of the municipality as required by the Municipal Act.

7. That the clerk of the said municipality at ten o'clock in the forenoon on the 1st day of December A.D. 1899, at the town hall, shall sum up the votes given for and against this by-law, and shall then and there declare the result.

That this by-law shall come into force and have effect from and after the final passing thereof.

## SCHEDULE B.

(Section 2.)

**COLLINGWOOD STEEL SHIP YARDS. AGREEMENT BETWEEN THE CORPORATION AND THE COMPANY. BY-LAW FOR BONUS OF \$50,000 TO BE VOTED ON NOV. 30TH, 1899.**

Agreement. This agreement made in duplicate this fourteenth day of November, in the year of our Lord one thousand eight hundred and ninety-nine, between the municipal corporation of the town of Collingwood, of the first part, and Alexander McDougall, of the city of Duluth, in the State of Minnesota, one of the United States of America, shipbuilder, and the Dry Dock and Wrecking Co., of Collingwood, (Limited), of the second part.

Whereas, the parties of the second part have proposed to establish, operate and maintain a large steel ship building yard within the limits of the town of Collingwood, and the said municipal corporation have agreed to grant by way of aid to the parties of the second part in the said undertaking the sum of fifty thousand dollars, provided a by-law of the said corporation submitted for that purpose shall be approved of by the rate-payers of the said municipality and legalized by the Legislative Assembly of the province of Ontario.

Now, therefore, the parties hereto hereby agree to and with each other in manner following:—

1. The parties of the second part agree to establish, either by themselves or by a joint stock company, to be formed by them, within the limits of the said corporation, a modern, first-class steel ship building yard, fully equipped with all necessary plant and machinery, capable of constructing at one time four of the largest class of steel vessels required in the navigation of the upper lakes, and to continuously and properly maintain and operate the same at the said town of Collingwood for a period of thirty years.

2. In consideration whereof, the said municipal corporation agree to pay to the said parties of the second part, when the said industry shall be in complete operation, the sum of fifty thousand dollars, as follows:—The first half of the money when the machinery is on the ground ready to be operated, and the other half when the keel of the first steel ship is laid, provided the said by-law shall be approved of by the said ratepayers and receive the necessary legislation sanction.

3. The said parties of the second part agree that they will invest at least the sum of one hundred thousand dollars in the establishment of the proposed industry.

4. It is agreed that the plant and machinery used in the operation of the said shipyard shall not until after the expiration of thirty years from the date hereof be sold or removed without the consent of the said municipal corporation.

5. It is further agreed that if the parties of the second part or the said company (if one be formed as aforesaid) shall at any time during the said period of thirty years become bankrupt or insolvent, the amount of unearned bonus for the proportionate part of the time during which the said industry

was

was to be operated shall immediately become due and payable to the said municipal corporation by the said parties of the second part, and the said municipal corporation shall be entitled to a lien or charge on the said plant or machinery for the amount thereof, and shall have the right to immediately enter and hold possession thereof until the said amount is paid, or to sell and dispose of the said plant and machinery in order to realize the same.

6. It is further agreed that if the parties of the second part, or the said company, shall at any time during the said period of thirty years cease to operate the said plant and machinery as aforesaid for eighteen months, the said municipal corporation shall be entitled to take possession of the said plant and machinery either to operate or sell the same, until they shall be reimbursed for the amount of any unearned bonus, but without any personal claims against the parties of the second part.

7. It is further agreed that the said plant and buildings shall be insured by the parties of the second part for the benefit of the said municipal corporation to an amount sufficient to protect their interests as the same shall from time to time appear.

8. It is further agreed that the costs and charges of obtaining the sanction of the Legislative Assembly to the said by-law shall be borne by the parties of the second part.

9. It is further agreed that the parties of the second part in the operation of the said industry shall have free license to use the ship slip at the foot of Hurontario street for the launching of vessels constructed by them and if at any time during the said period it should become necessary to convert the same into a dry dock of large capacity they shall have the right to do so but at their own expense.

In witness whereof the parties hereto have hereunto set their hands and seals.

JOHN CHAMBERLAIN,  
Mayor.

JOHN J. LONG,  
President, D.D. & W. Co.,  
of Collingwood, Limited.

ALEXANDER McDougall.

Signed, sealed and delivered in the presence of

[L.S.]

JOHN HOGG,  
Town Clerk.  
JOHN BIRNIE, JR.

## CHAPTER 65

## An Act respecting the Town of Collingwood and Charles D. Cramp.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Collingwood has by petition represented that Charles D. Cramp of the City of Philadelphia, in the State of Pennsylvania, one of the United States of America, capitalist and manufacturer, and certain persons associated with him have proposed to establish, operate and maintain at the Town of Collingwood a blast furnace with all necessary steel furnaces and rolling mills for the manufacture of iron and steel plates, structural shapes, rails and ingots, capable of turning out at least two hundred tons of finished merchantable product per day provided that the said corporation will assist the said industry by granting the sum of \$115,000, by way of bonus and a free site on the water front containing fifty acres of land, together with certain privileges as to taxation and assessment set forth in the agreement set out in Schedule A to this Act; that by an agreement bearing date the 5th day of March, A.D. 1900, and made between the said Charles D. Cramp and another of the first part, and the Corporation of the Town of Collingwood of the second part, the said parties of the first part did agree that they would cause to be constructed, equipped and operated within the Municipality of the Town of Collingwood a blast furnace with all necessary steel furnaces and rolling mills for the manufacture of iron steel plates, structural shapes, rails and ingots capable of turning out at least two hundred tons of finished merchantable product per day, such works to be of modern design and substantial character and to be fully equipped with all necessary machinery and plant for the proper operation thereof; in consideration whereof the said municipal corporation did agree to pay to the said parties of the first part when the said industry should be in complete operation the sum of \$115,000, to grant a free site on the water front containing fifty acres of land together with certain privileges as to taxation and assessment upon the terms and conditions more fully set out in the said agreement, a copy of which said agreement is set out in schedule A to this Act; that on the 7th day of March, A.D. 1900, a by-law of the said municipal corporation was introduced by the municipal council thereof and read a first time to raise by way of debenture the sum of \$115,000 on the credit of the said municipality repayable in 30 annual instalments of principal and interest at the rate of



four per centum per annum to grant by way of aid to the said industry the sum of \$115,000 as a cash bonus and the sum of \$10,000 to be expended in providing a site therefor and to dredge a channel in to the docks of the said industry as provided in the said agreement; that such by-law was submitted for the approval of the ratepayers of the said town on the 30th day of March, and received the almost unanimous assent of the electors of the said town and was finally passed by the said municipal council; that the establishment of the said proposed industry is of vital importance not only to the said town but to the whole Province at large and the said Municipal Corporation therefore prays that an Act may be passed confirming and legalizing the said by-law of the said Municipal Corporation, a copy of which by-law is set forth in schedule B to this Act and confirming and legalizing the said agreement bearing date the 5th day of March, A.D. 1900, and made between the said Charles D. Cramp and others and the said Town of Collingwood; and whereas no opposition has been offered by or on behalf of any ratepayer or otherwise to the said petition; and whereas it is expedient to grant the prayer of the said petition:—

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall be lawful for the Municipal Corporation of the Town of Collingwood to grant a cash bonus of \$115,000 to assist in the establishment of the said blast furnace and steel smelting industry, and to expend the sum of \$10,000 in the purchase of a site therefor, and to grant such site when acquired to the said industry and towards dredging a channel of the uniform depth of eighteen feet of water into docks to be used in connection with the said industry; to fix the assessment of the said industry at the sum of \$700,000 for a period of thirty years, irrespective of any subsequent additions to the said plant or otherwise, and to exempt the said plant and machinery and property used in connection therewith from all municipal rates and taxes for a period of one year from the date of the establishment of the said industry as aforesaid, and by-law No. 551 of the said Municipal Corporation authorizing the issue of debentures for the sum of \$125,000, repayable during the period of thirty years, which by-law is set out in schedule "B" to this Act, is declared legal, valid and binding upon the said Municipal Corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass such by-law, and notwithstanding any defect in substance or in form of the said by-law, or in the manner of passing the same.

Authority to  
grant cash  
bonus and  
site.

2. The agreement referred to in the said by-law dated the 5th day of March, A.D. 1900, made between the said Charles D. Cramp and others and the said Town of Collingwood, is confirmed.

D. Cramp

D. Cramp and another and the said Town of Collingwood, and which is fully set out in schedule "A" to this Act is hereby ratified and confirmed and is declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act. Provided however that notwithstanding the fixing of such assessment at \$700,000 for all purposes, the said municipality shall not thereby diminish the amount that would otherwise be levied for school purposes but shall levy and appropriate out of the general funds of the municipality the difference (if any) between the amount actually levied upon the said blast furnace and rolling mills at the fixed assessment of \$700,000, and the amount which would have been levied for school purposes if the said fixed assessment had not been made.

### SCHEDULE A.

Memorandum of Agreement made in duplicate this fifth day of March, A. D. 1900, between Charles D. Cramp, of the City of Philadelphia, in the State of Pennsylvania, one of the United States of America, capitalist and manufacturer, and John Allister Currie of the City of Toronto, in the County of York, broker, hereinafter called "The Parties," of the first part, and the Corporation of the Town of Collingwood, in the Province of Ontario, acting and represented by John Chamberlain, mayor, and John Birnie, solicitor for the said town, hereinafter called "The Corporation," of the second part.

Whereas the parties of the first part have in contemplation the establishment of an iron and steel smelting industry in the said Town of Collingwood, and the said corporation have offered to assist the enterprise by granting them a cash bonus of the sum of \$115,000.00, a free site on the water front containing fifty acres of land, including water lots adjacent and a frontage on the lake shore where at least eight hundred feet of docks can be erected with the uniform depth of eighteen feet of water, together with certain privileges as hereafter set forth as to taxation and assessment upon the terms and conditions hereinafter set forth.

Now therefore this agreement witnesseth that for the consideration hereinafter set forth the parties for themselves, their heirs, executors, administrators and assigns and their successors and assigns respectfully do hereby covenant, promise and agree each with the other in the manner following, that is to say:—

1. The parties of the first part, their heirs, executors, administrators or assigns will cause to be constructed equipped and operated within the municipality of the Town of Collingwood a blast furnace with all necessary steel furnaces and rolling mills for the manufacture of iron and steel plates, structural shapes, rails and ingots, capable of turning out at least two hundred tons of finished merchantable product per day, such works to be of modern design and substantial character and to be fully equipped with all necessary machinery, plant, furnaces, stack, heating ovens, blow engines, boilers, pumps, buildings, wharves and premises for the proper operation thereof, and the parties of the first part will employ at the said town in the operation of the said plant not less than six hundred men, continuously, and the said parties of the first part will invest not less than the sum of \$700,000 in the establishment of the said plant and machinery.

2. That the said bonus of \$115,000.00 shall be due and payable in cash to the parties of the first part, their heirs, executors, administrators and assigns, as soon as the said works of the parties shall have been put in operation fully. The corporation shall have the right to appoint an engineer to inspect the said works jointly with the engineer of the company, and upon their report that the works are so completed with the capacity aforesaid, and at the said cost, the said bonus shall be paid over to the said parties.

3. The corporation agree to furnish fifty acres of suitable land on the water front, including adjacent water lots, capable of allowing the erection of at least eight hundred feet of docks, and to convey the same to the parties of the first part, their heirs, executors, administrators and assigns immediately upon the completion of the plant as aforesaid.

4. The said corporation further agree that the parties of the first part, their heirs, administrators and assigns shall have a lease at the nominal rental of one dollar per annum, payable in advance, of the said fifty acres of land, including water lots, at any time after the passing of the by-laws and Act of Parliament hereinafter provided for, and that the said lease shall continue and that the parties of the first part, their heirs, executors, administrators and assigns shall be at liberty to hold, enjoy and occupy the said lands, including water lots, and to erect the plant and wharves as aforesaid thereon, and upon the completion thereof as aforesaid they shall be entitled to conveyance in fee of the said fifty acres of land, including water lots.

5. The said corporation further agree that they will furnish eighteen feet of water along any docks which may be erected in connection with the said lands and works and also furnish a channel of the depth of eighteen feet.

6. The corporation further agree that the property and assets of the parties of the first part, their heirs, executors, administrators and assigns in connection with the said works, docks, etc., shall be exempt from municipal or other taxes until the expiration of one year from the date of the completion thereof as aforesaid, or for a period of one year after the payment of the said bonus.

7. The corporation further agree that the works, buildings, plant and wharves and all other real and personal property in connection with the said works and adjuncts thereto shall be assessed for the purpose of taxation at the sum of \$700,000.00, and that such assessment shall not be increased on account of any subsequent addition of plant or otherwise.

8. The parties of the first part agree that they will properly maintain and operate the said works at the said town of Collingwood for a period of thirty years from the establishment thereof, and should the works be not properly maintained and operated within the true intent and meaning of this agreement, for a continuous period of three years the unearned bonus shall become due and payable to the said corporation in the manner following, that is to say :—

For each and every year which yet remains of the said period of thirty years, after the three years cessation of operations as aforesaid the sum of \$3,833.33 shall be immediately due and payable by the said parties of the first part, their heirs, executors and assigns to the said corporation, and the said corporation in case of non-payment, shall have a lien or charge upon the said plant and machinery for the said amount, and can upon non-payment of the same enter upon and seize the said plant and machinery without process of law and sell or dispose of the same or such part thereof as may be necessary to realize the said amount; and the said parties of the first part or their assigns shall not remove the said plant out of the said municipality without the consent of the said corporation, and upon any removal the lien or charge of the said corporation for the amount of any unearned bonus shall attach to the said plant into whosoever hands the same may come and such lien or charge shall be duly registered in the manner required by law.

9. The parties of the first part, the heirs, executors, administrators and assigns will properly operate the said industry for an average of at least

three



three hundred working days per year during the term of thirty years from the completion thereof, accidents and other circumstances beyond their control excepted.

10. The parties of the first part their heirs, executors, administrators and assigns will pay all the men employed by them in or about the said works in cash, at least monthly, in the town of Collingwood and selecting and training workmen will, where it is at all possible, give a preference to men of the town of Collingwood and county of Simcoe,

11. The said parties of the first part, their executors or assigns will not engage or be connected with any business as merchants in the town of Collingwood or county of Simcoe or Grey, but will encourage their men as far as possible to deal with the merchants of Collingwood.

12. This agreement is subject to the assent of the ratepayers of the town of Collingwood being obtained in the manner provided by law and also subject to the procuring of an Act of the Legislature of the Province of Ontario authorizing the passing of a by-law by the municipal council of the town of Collingwood granting the said bonus, for the issue of debentures therefor, the purchase and conveyance of the said fifty acres of land including water lots, for the exemption of taxation and for the limit as to assessment herein provided for, and the parties of the second part shall bear all cost, legal expenses and disbursements in applying for such legislation.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of	}	JOHN CHAMBERLAIN,	{ Corp. Seal. }
J. A. CURRIE, [L.S.]		Mayor.	
CHAS. D. CRAMP, [L.S.]		JOHN BIRNIE, JR. Solicitor.	

## SCHEDULE B.

### BY-LAW No. 551.

To raise by way of debentures the sum of one hundred and twenty-five thousand dollars to grant by way of bonus to Charles D. Cramp, of the city of Philadelphia, in the State of Pennsylvania, one of the United States of America, capitalist and manufacturer, and his associates, towards the establishment of an iron and steel smelting industry and rolling mills at the town of Collingwood, to purchase a site therefor and to make provision toward dredging out a channel to the docks of the said industry.

Whereas the said Charles D. Cramp and his associates have proposed to establish and operate within the town of Collingwood a blast furnace with all necessary steel furnaces and rolling mills for the manufacture of iron and steel plates, structural shapes, rails and ingots, capable of turning out at least two hundred tons of finished merchantable product per day, provided they were granted by way of aid to the said industry a bonus of \$115,000, and certain other privileges more fully set forth in an agreement bearing date the 5th day of March, 1900, and made between the said Charles D. Cramp and others of the first part and the corporation of the town of Collingwood of the second part.

And whereas the said Charles D. Cramp and his associates have agreed to establish and operate the said blast furnace and steel smelting industry as soon as may be after the final passing of this by-law, and upon the terms more fully set forth in the said agreement.

And whereas it is necessary to raise by way of debentures the sum of \$115,000.00 to grant as a bonus to the said industry, and the sum of \$10,000.00 to do the necessary dredging of a passage into the docks of the said industry and to provide a site therefor making in all the sum of \$125,000.00.

And whereas the amount of the whole rateable property of the municipality of the town of Collingwood, according to the last revised assessment roll amounts to \$1,290,054.

And

And whereas the existing debenture indebtedness of the said municipality amounts to \$233,502.77 and no principal or interest is in arrears

And whereas it will require the sum of \$7,228.75 to be raised annually for a period of thirty years to pay the interest of and discharge the said debt as the same becomes due and payable.

Therefore the municipal council of the corporation of the town of Collingwood enacts as follows :

1. That the mayor of the said town is hereby authorized and required to issue debentures of the said town to the amount of \$125,000, and such debentures shall be signed by the mayor and treasurer of the town of Collingwood and sealed with the corporate seal, and there shall be thirty such debentures, each for the sum of \$7,228.75, payable the first day of December, in the year of our Lord 1901, and on each of the next succeeding twenty-nine years, it being estimated that such thirty debentures are equal to \$125,000 of principal money with interest from the first day of December, 1900, at the rate of 4 per cent. per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows :

Year.	Interest.	Principal.	Annual payment
1.....	\$5,000 00	\$2,228 75	\$7,228 75
2.....	4,910 88	2,317 87	7,228 75
3.....	4,818 13	2,410 62	7,228 75
4.....	4,721 75	2,507 00	7,228 75
5.....	4,621 50	2,607 25	7,228 75
6.....	4,517 13	2,711 62	7,228 75
7.....	4,408 75	2,820 00	7,228 75
8.....	4,295 88	2,932 87	7,228 75
9.....	4,178 63	3,050 12	7,228 75
10.....	4,056 63	3,172 12	7,228 75
11.....	3,929 38	3,299 37	7,228 75
12.....	3,797 65	3,431 10	7,228 75
13.....	3,660 50	3,568 25	7,228 75
14.....	3,517 55	3,711 20	7,228 75
15.....	3,369 38	3,859 37	7,228 75
16.....	3,214 88	4,013 87	7,228 75
17.....	3,054 38	4,174 37	7,228 75
18.....	2,887 38	4,341 37	7,228 75
19.....	2,713 54	4,515 21	7,228 75
20.....	2,533 13	4,695 62	7,228 75
21.....	2,345 38	4,845 37	7,228 75
22.....	2,150 00	5,078 75	7,228 75
23.....	1,946 88	5,281 87	7,228 75
24.....	1,735 50	5,493 25	7,228 75
25.....	1,515 88	5,712 87	7,228 75
26.....	1,287 25	5,941 50	7,228 75
27.....	1,049 55	6,179 20	7,228 75
28.....	802 50	6,426 25	7,228 75
29.....	545 38	6,683 37	7,228 75
30.....	277 13	6,951 62	7,228 75

2. The proceeds of the said debentures shall be applied in manner following, that is to say :—

The sum of \$115,000 as a cash bonus to the said industry in the manner and according to the terms stipulated in the said agreement.

The sum of \$10,000 towards dredging a channel into the docks of the said industry and in the purchase of a site therefor as provided in the said agreement.

3. To provide for the payment of the said sum of \$125,000 and interest thereon as aforesaid the sum of \$7,228 75 shall be levied and raised annually for the period of thirty years, commencing with the year 1901, by special rate sufficient therefor on all the rateable property in the town of Collingwood.

4. The said debentures shall be payable at the Bank of Toronto, Collingwood.

5. That this by-law shall come into force and have effect from and after the passing thereof.

6. That the votes, of the qualified electors of the said town of Collingwood shall be taken by ballot, upon this by-law, at the following times and places, and by the undermentioned deputy-returning officers, that is to say :—

On Friday, the thirtieth day of March, A.D. 1900, at the hour of nine o'clock in the forenoon, continuing until five in the afternoon of the same day, at the polling places hereinafter mentioned ; and the following persons shall be deputy-returning officers, to take the votes of the qualified ratepayers at such places, that is to say :—

In polling sub-division No. 1, first ward, the town Hall, Hurontario street, W. R. Anderson, deputy-returning officer.

In polling sub-division No. 2, second ward, Ditson's old store, lot 25 east Hurontario street, James W. Archer, deputy-returning officer.

In polling sub-division No. 3, second ward, Mrs Hill's residence, lot No. 8 east Ste. Marie street, Charles Peter, deputy-returning officer.

In polling sub-division No. 4, third ward, James pump factory, lot 13 east Beech street, Matthew Pomphrey, deputy-returning officer.

In polling sub-division No. 5, fourth ward, Patrick Howard place of business, cor. Hurontario and Third streets, Patrick Howard, deputy-returning officer.

In polling sub-division No. 6, fifth ward, Thomas Gillson's house, lot 42 west Pine street, Thomas Gillson, deputy-returning officer.

7. That at ten o'clock in the forenoon of the 29th day of March, A.D. 1900, at the Town Hall, Collingwood, the persons to attend, at the various polling places on behalf of the persons interested in promoting or opposing the passing of the by-law, shall be appointed and such persons shall also attend at ten o'clock in the forenoon on the 31st day of March, A.D. 1900, at the said Town Hall, at the final summing up of the votes given for and against this by-law, together with the two persons to be appointed by the head of the municipality as required by *The Municipal Act*.

8. That the clerk of the said municipality at ten o'clock in the forenoon on the 31st day of March, A.D. 1900, at the Town Hall, shall sum up the votes given for and against this by-law and shall then and there declare the result.

That this by-law shall come into force and have effect from and after the passing thereof.

Passed in open Council this ninth day of April, A.D. 1900.

(Sd) JOHN CHAMBERLAIN,  
Mayor.

(Sd) JOHN HOGG,  
Clerk.

{ Corp. }  
{ Seal. }



## CHAPTER 66

## An Act respecting the Town of Dunnville.

*Assented to 30th April, 1900.*

WHEREAS the Municipal Corporation of the Town of Dunnville has, by petition, represented that the said Corporation has passed a by-law, number 15, A.D. 1899, of the late Village of Dunnville, entitled "A by-law for granting aid by way of loan and otherwise to Francis R. Lalor, to assist in the construction of a canning factory, and to authorize the borrowing upon the debentures of the Municipal Corporation of the Village of Dunnville of the sum of ten thousand dollars for that purpose," which said by-law is set forth in full in schedule "A" hereto, and the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided for by *The Municipal Act*, and the said by-law received the assent of the electors entitled to vote thereupon; and whereas the said by-law provides for a loan of six thousand dollars, repayable without interest, and a bonus of four thousand dollars to the said Francis R. Lalor, for the purpose of assisting him in the establishment of a canning factory in the said Town of Dunnville, and also exemption from taxation (other than school taxes) of such canning factory for the term of ten years and the free use of water for the same period; and whereas it has been represented that the establishment of a canning factory at the said Town of Dunnville would be greatly in the interests of the said town and the surrounding country, and that there is at present no industry of a similar nature in the said Town of Dunnville, or within a radius of more than twenty miles thereof; and whereas before the passing of this by-law, the said Francis R. Lalor agreed to forego the privilege of free water thereby granted him should the said by-law be carried; and whereas the said by-law comes within the provisions of the repealed clauses of *The Municipal Amendment Act, 1888*, relating to the granting of aid to industrial enterprises; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 15,  
1899, aiding F.  
R. Lalor con-  
firmed.

1. By-law number 15, A.D. 1899, of the Municipal Corporation of the Village (now Town) of Dunnville set forth in Schedule "A" to this Act, except in so far as the same grants the use of water supplied from the Dunnville waterworks free of rates and charges to the said Francis R. Lalor for the period of ten years, is hereby confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law, or in the manner of passing the same, and the said the Municipal Corporation of the Town of Dunnville is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so to be issued under the said by-law shall be legal and binding upon the said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law save as aforesaid.

## SCHEDULE A.

### BY-LAW NUMBER 15, A.D., 1899.

A by-law for granting aid by way of loan and otherwise to Francis R. Lalor to assist in the construction of a canning factory and to authorize the borrowing upon the debentures of the municipal corporation of the village of Dunnville of the sum of ten thousand dollars for that purpose.

Whereas Francis R. Lalor, of the village of Dunnville, in the county of Halimand, proposes to erect and carry on a canning factory for the canning of fruits, vegetables and fowl in the said village, and has applied to the municipal council of the said village of Dunnville for a loan of six thousand dollars, repayable in ten equal annual instalments of six hundred dollars each without interest, and a grant by way of a bonus of an additional four thousand dollars and exemption from taxation, (other than school taxes), for a term of ten years upon the site, buildings and machinery and plant of the said proposed canning factory to be established as aforesaid, and the use of such water as may required to be used in the said canning factory to be supplied from the waterworks of the said village free from the payment of any water rates or charge for the term of ten years from the completion of the said canning factory; the site, buildings, machinery and plant of the said canning factory when completed to cost not less than \$10,000, the said Francis R. Lalor to bind himself, his heirs and assigns that he or they will during the said term of ten years employ not less than fifty persons on the average daily during a period of six months in each year, subject however as respect the time of running to deduction from inevitable accident to the buildings, plant or machinery, but no such deduction to be allowed for more than a reasonable time for repairing or rebuilding, the said canning factory to be completed and in full running order within six months after the confirmation of this by-law by the Legislature of Ontario, the said money to be advanced to the said Francis R. Lalor from time to time as the erection and equipment of the said canning factory progresses to the satisfaction of the head of the council and council of the said municipality;

And

And whereas there is no other canning factory in operation in the said village of Dunnville or within more than twenty miles thereof ;

And whereas it is proposed to apply all payments made on account of the mortgages hereinafter mentioned in reduction of the interest upon the said debentures and the sinking fund hereinafter provided for the payment of the principal thereof.

And whereas the said municipal council of the village of Dunnville is willing to grant the aid so desired subject to the following provisos and conditions to which the said Francis R. Lalor has signified his assent.

Provided that before the said money is advanced to the said Francis R. Lalor, the said Francis R. Lalor shall enter into a written agreement to do all things hereinbefore mentioned to be done by the said Francis R. Lalor and that on failure in performance or on breach of any of the conditions aforesaid the said Francis R. Lalor shall at once repay the whole of the said sum less any portion thereof that he shall have paid on account of the said loan.

Provided further that the said Francis R. Lalor shall at or before the time when the said money or any part thereof is advanced and granted to him under the provisions of this by-law give to the said municipal corporation a first mortgage (which shall be free from dower and encumbrances) upon the site of the said canning factory and the buildings, machinery, plant and equipment of and belonging thereto and also on any other machinery, plant or equipment which at any time while the said mortgages remain unsatisfied be purchased by the said Francis R. Lalor, his heirs or assigns and brought into the said business or placed in the said building or on the said premises or which may be substituted for any of the original machinery, plant or equipment, the mortgage upon the real estate and fixtures to be prepared and made in pursuance of *The Act respecting Short Forms of Mortgages*, and shall contain a bar of dower (if necessary) and the usual covenants contained in such mortgages, including a covenant for insurance to the extent of at least two-thirds the cash value of the buildings and fixtures and a power of sale on default for two months on one month's notice, such mortgage to be for the sum of six thousand dollars payable in ten equal consecutive annual instalments of six hundred dollars each without interest, the first of such instalments to become due and be paid at the expiration of one year from the date of the said mortgage. And the mortgage to be given on the said machinery and plant shall contain the usual covenants and conditions contained or generally inserted in a bill of sale by way of mortgage and shall contain a proviso for insuring to the extent of two-thirds the cash value of the said plant and machinery and for renewal and assignments of the policies, and also a condition that until all moneys payable under or secured by the said chattel mortgage be fully paid and satisfied the said machinery and plant shall not be removed out of the limits of the said municipality, such chattel mortgage to be for the sum of \$6,000 payable in the instalments and at the time aforesaid without interest. Such chattel mortgage shall be collateral to the said mortgage upon real estate and fixtures and any payment made thereupon shall be applied in reduction of the said real estate mortgage to the amount of same, and any payment made upon account of the real estate mortgage shall likewise to the amount of same be applied in reduction of said chattel mortgage.

And whereas it is the intention, in the event of this by-law obtaining the assent of two-thirds of all the electors on the voters' list entitled to vote upon money by-laws as well as of a majority of such electors voting on this by-law, to apply to the Legislature of the Province of Ontario for an Act confirming this by-law and authorizing the said loan and bonus and authority to enter into the said agreement.

And whereas for the purpose of carrying into effect the said recited object it will be necessary to create a debt for the said sum of \$10,000 and interest thereon, and to raise the amount thereof by the issue of debentures and to provide for a sinking fund for the payment of the said principal.



And whereas the total amount required to be raised annually by special rate on the whole rateable property of the said municipality for the payment of the proposed debt and interest is the sum of \$746.31, less any payments made on account of said mortgages and applied in reduction thereof, of which the sum of \$375 will be for such interest and \$371.31 for a sinking fund from which to pay the said debentures.

And whereas the amount of the whole rateable property of the said village of Dunnville, according to the last revised assessment roll, is the sum of \$610,460 of which property to the value of \$15,000 is exempt from taxes other than school taxes.

And whereas the amount of the existing debenture debt of the said municipality of Dunnville is the sum of \$36,651.81 of which the sum of \$25,790.84 is for principal and \$10,860.87 is for accruing interest, no part of which, either for principal or interest, is in arrears.

Be it therefore enacted by the municipal corporation of the village of Dunnville :—

First, that there shall be advanced by the said municipal corporation to the said Francis R. Lalor the sum of \$6,000 by way of loan upon the security of the mortgages hereinbefore recited and repayable in the instalments and at the times hereinbefore recited and that there shall be granted to him in addition as a bonus to enable him to erect and carry on the said canning factory the sum of \$4,000 subject to the conditions aforesaid.

Second, that for the purposes aforesaid it shall be lawful for the reeve, or upon the said village being erected into a town, the mayor of the town of Dunnville and he is hereby authorized, empowered and directed to cause any number of debentures of the said corporation of the village or, upon the said village being erected into a town, the corporation of the town of Dunnville, to be made, executed and issued to the amount of \$10,000, in sums of not less than \$100 each, which said debentures shall be signed by the reeve or, upon the said village being erected into a town, the mayor of the said corporation for the time being, and countersigned by the treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

Third, that the said debentures shall bear date upon and be made payable in twenty years from the day hereinafter appointed from the coming into force of this by-law at the office of the treasurer of the said municipality of Dunnville.

Fourth, that the said debentures shall bear interest at the rate of three and three-quarters per centum per annum from the date thereof and such interest shall be made payable yearly at the end of each year of the said term in each and every year during the currency of the said debentures at the office of the treasurer of the said municipality in Dunnville and such debentures shall have attached thereto coupons for each year's interest signed by the said reeve or, upon the said village being erected into a town, the mayor of the said municipality countersigned by the treasurer thereof.

Fifth, for the purpose of paying the said debt hereby created and the interest on the debentures to be issued therefor as aforesaid the sum of \$746.31, less any sums paid on account of said mortgages and applied in reduction thereof, shall be raised, levied and collected in each year of and from the whole rateable property of the said village or, upon its being erected into a town, town of Dunnville liable therefor by an equal special rate in addition to all other special rates during the continuance of such debentures of which the sum of \$375 shall be such interest and the sum of \$371.31 for a sinking fund for the ultimate payment of the said debentures.

Sixth, that the said sum of \$10,000, or any lesser amount which the said debentures shall realize shall be paid to the said Francis R. Lalor upon his entering into an agreement and giving the securities provided by this by-law.

Seventh, that the debentures to be issued under the authority of this by-law shall contain a provision in the following words, namely : " This debenture

debenture or any interest thereon shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer or his deputy, in the debenture registry book of the said corporation of the town of Dunnville."

Eighth, that the site of the said canning factory and the buildings, machinery, plant and equipment therein and connected therewith shall for a period of ten years from the first day of January, A. D. 1900, be exempt from the payment of all taxes except school taxes and that the said Francis R. Lalor, his heirs and assigns, shall be entitled to use such water as may be required to be used in the said canning factory for the purpose of carrying on of the same, the same to be supplied from the waterworks of this municipality free from the payment of any water rates or charge for the term of ten years from the completion of the said canning factory.

Ninth, that the foregoing parts of this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario and upon the date upon which the same shall be assented to by His Honor, the Lieutenant-Governor of the Province of Ontario.

Tenth, and it is further enacted by the said council that, for the purpose of ascertaining whether the electors of the municipality of Dunnville duly qualified to vote upon this by-law assent to the same, the votes of the electors of the said municipality duly qualified to vote shall be taken upon this by-law on Monday the 22nd day of January, A. D. 1900, commencing at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon of the said day, at the different polling places and by the different returning officers hereinafter mentioned, that is to say: In polling sub-division number one at the hose company's rooms, Canal street west, by James R. Robb, deputy-returning officer; in polling sub-division number two at the town hall, Chestnut street, by Charles Bennett, deputy-returning officer; in polling sub-division number three at shop number three in the Penny block on Lock street, by Richard N. Killins, deputy-returning officer.

Eleventh, that Wednesday, the 17th day of January, A. D. 1900, at ten o'clock in the forenoon is hereby appointed as the time when, and the town hall in the said village of Dunnville as the place where the head of the said municipality shall attend to appoint in writing persons to attend at the various polling places on behalf of the persons interested therein and desirous of promoting or opposing this by-law as the case may be and at the final summing up of the votes.

Twelfth, that Wednesday, the 24th day of January, A. D. 1900, at ten o'clock in the forenoon is hereby appointed as the time when, and the town hall in the village of Dunnville as the place where the clerk of the said municipality shall attend to sum up the number of votes given for and against this by-law.

Passed in council this            day of January, A. D. 1900.

(Signatures of Mayor and Clerk.)

## CHAPTER 67

An Act to confirm By-law Number 354 of the Town of Durham and a certain agreement entered into between the said Town and "The Durham Furniture Company, Limited."

*Assented to 30th April, 1900.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Town of Durham has by petition represented that the Durham Furniture Company, Limited, having applied to the said Municipal Corporation for aid by way of a loan of the sum of \$10,000 (in accordance with the terms of a certain agreement entered into between the said the Municipal Corporation and the said Company) to aid and assist the said Company in building and operating a furniture factory in the Town of Durham (in which town the head office of the said Company is situated) and the said the Municipal Corporation of the Town of Durham is desirous of granting said aid; and that in pursuance of the said application the said the Municipal Corporation of the Town of Durham duly, as provided for by *The Municipal Act* and amendments thereto, submitted to the ratepayers of the said municipality a by-law for the said purpose, which by-law received the assent of the duly qualified ratepayers entitled to vote on money by-laws, in the manner provided by the said *The Municipal Act*; and that the number of voters of the said municipality so entitled to vote was 322, of whom 229 cast their votes in favour of the said by-law, and 19 cast their votes against the said by-law: and that the said by-law of the said the Municipal Corporation of the Town of Durham numbered 354 was finally passed by the council of the said corporation on the 10th day of June, 1899, and the same was duly registered in the proper registry office in that behalf, under the provisions of the said *The Municipal Act* and amendments thereto: and that no certificate stating that any action or proceeding has been brought or application made to quash or set aside the said by-law or any part thereof, has been registered in the proper registry office in that behalf, as required by the said *The Municipal Act*; and whereas the said the Corporation of the Town of Durham by the said petition prays that an Act may be passed confirming and legalizing the said by-law number 354, and ratifying and confirming the said agreement entered into between the said Corporation and the said Company, copies of which by-law and agreement respectively are set forth in Schedules "A" and "B" to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 354, of the Municipal Corporation of the Town of Durham, granting a loan of \$10,000 to the Durham Furniture Company, Limited, to aid and assist them in building and operating a furniture factory in the Town of Durham, which said by-law is set out in Schedule "A" to this Act, is confirmed and declared legal, valid and binding upon the said the Municipal Corporation of the Town of Durham and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass such by-law, and notwithstanding any defect in substance or in form of the said by-law, or in the manner of passing the same, or in the registration thereof; and it shall be lawful for the said Municipal Corporation to borrow the sum of \$10,000, and to issue debentures therefor as in the said by-law number 354 is provided; and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality; and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law number 354.

By-law No.  
354 for lending  
\$10,000 to  
Furniture Co.  
confirmed.

2. Save as provided in section 3 of this Act the agreement between the said the Municipal Corporation of the Town of Durham and the Durham Furniture Company, Limited, referred to in the said by-law number 354, and which is set out at length in Schedule "B" to this Act, is hereby ratified and confirmed in the same manner and to the same extent as if set out at length and incorporated in this Act.

Agreement  
between town  
and company  
confirmed.

3. Notwithstanding anything contained in paragraph numbered 2 of the said agreement the lands, buildings, plant, stock and other improvements now owned or hereafter to be acquired for the purposes of the said factory shall for school purposes be and remain liable to assessment, and school taxes shall be levied and collected thereon in accordance with the provisions of the general law in that behalf.

School taxes.

## SCHEDULE A.

### BY-LAW No. 354.

A by-law to aid and assist "The Durham Furniture Company, Limited, in building and operating a furniture factory in the town of Durham.

Whereas a joint stock company has been organized in the town of Durham, known as "The Durham Furniture Company, Limited," for the purpose of manufacturing furniture in the town of Durham; and, whereas, the said company is desirous of building a factory and of having the same completed and in running order during the year 1899; and, whereas, the company has applied to the municipal council of the corporation of the town of Durham for aid by way of loan, of the sum of \$10,000 to the company, in accordance with the terms of an agreement hereinafter referred to.

And

And whereas it is deemed expedient and desirable to loan the said sum of \$10,000 to the said company for the said purpose.

And whereas the amount of the whole rateable property of the said town of Durham, according to the last revised assessment roll thereof, being the assessment roll for the year 1893, is \$300,732.00.

And whereas the existing debenture debt of the said town of Durham amounts to the sum of \$21,128.00, no principal and no interest being in arrears.

Therefore the corporation of the town of Durham, by the council thereof, enact as follows:—

1. It shall and may be lawful for the municipal council of the said corporation of the town of Durham to aid the said "The Durham Furniture Company, Limited," in the erection and completion of a factory, for the manufacture of furniture within the limits of the said corporation, by lending the said company the sum of \$10,000, repayable without interest in eight consecutive annual instalments, the first seven of \$1,000 each at the end of the third, fourth, fifth, sixth, seventh, eighth and ninth years, and a final instalment of \$3,000 at the end of the tenth year, in accordance with the terms of an agreement to be entered into between the said "The Durham Furniture Company, Limited," and the corporation of the town of Durham.

2. For that purpose it shall be lawful for the mayor of the said town of Durham to borrow ten thousand dollars and to issue debentures of the said municipality to the said amount, in sums of not less than one hundred dollars each, payable at the end of ten years from the date on which this by-law takes effect, and to bear interest at a rate not exceeding four per centum per annum payable yearly on the first day of January during the currency of said debentures.

3. The said debentures shall bear date on the day hereinafter appointed for the coming into force of this by-law, shall be sealed with the corporate seal of the town of Durham, be signed by the mayor thereof and bear interest at the rate of four per centum per annum from the date thereof until respectively due as hereinbefore specified, which interest shall be payable yearly, on the first day of January in each year, at the Standard Bank, in the town of Durham, where also the said debentures shall be payable.

4. The said debentures shall have attached thereto coupons for the payment of the interest thereon.

5. During the currency of the said debt, while any of the said debentures remain unpaid, there shall be raised, assessed and levied yearly upon the whole rateable property in the town of Durham the sum of \$1,232.90, and the amounts to be raised for principal and interest in each year shall be as follows:

Year.	Principal.	Interest.	Total.
1901.....	\$ 832 90	\$400 00	\$1,232 90
1902.....	866 27	366 63	1,232 90
1903.....	900 92	331 98	1,232 90
1904.....	936 95	295 95	1,232 90
1905.....	974 43	258 47	1,232 90
1906.....	1,013 41	219 59	1,232 90
1907.....	1,053 93	178 97	1,232 90
1908.....	1,095 08	137 82	1,232 90
1909.....	1,140 25	92 65	1,232 90
1910.....	1,185 86	47 04	1,232 90

6. This by-law shall come into force on the day of the final passing thereof by the council.

7. The votes of the electors of the municipality of the town of Durham shall be taken on this by-law on Monday, the eighth day of May, 1899, commencing at the hour of nine of the clock in the morning and closing at the hour of five of the clock in the afternoon of the same day as follows:

In North Ward, at the house of Norman Kelsey, by Clefton Elvidge as deputy

deputy returning officer ; in East Ward, at the Town Hall, by W. B. Vollett as deputy returning officer ; and in West Ward, at Mrs. McCreary's house, by John Smith as deputy returning officer.

8. On Saturday, the sixth day of May, 1899, at the hour of ten o'clock in the forenoon, the mayor of the town of Durham will attend at the office of the town clerk, in the town of Durham, for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law, and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. On Tuesday, the ninth day of May, 1899, at ten o'clock in the forenoon, at the town hall, in the town of Durham, the clerk of the town will proceed to sum up the number of votes given for and against this by-law.

Corporate Seal  
of the Town  
of Durham.

W. CALDER,  
Mayor.  
GEORGE RUSSELL,  
Clerk.

Council Chambers, June 10th, A. D. 1899.

### SCHEDULE B.

This agreement made and entered into this fourteenth day of June in the year of our Lord one thousand eight hundred and ninety-nine.

Between The Durham Furniture Company (Limited) of the town of Durham, in the county of Grey, hereinafter called the company of the first part and the corporation of the town of Durham, hereinafter called the Corporation of the second part.

Whereas, the said company is desirous of building, completing, fitting up with the necessary machinery and plant and operating a factory for the manufacture of furniture in the said town of Durham and of having the same completed and in running order in the season of 1899.

And whereas the said company has applied to the municipal council of the said corporation to aid the company by a loan of \$10,000 without interest to be repaid within ten years from the final passing of by-law No. 354 ; and for a free gift of land as a site for the said factory and for an exemption from taxes except as to the amount now levied upon said land, and except school taxes, during the term of ten years, on the terms and conditions hereinafter particularly set out.

And whereas there is no other person or persons engaged in manufacturing furniture in the said town of Durham.

And whereas it is deemed expedient by the council of the said corporation to grant the said request of the company upon the terms and conditions hereinafter appearing.

Now therefore this indenture witnesseth and it is agreed by and between the said company, their successors and assigns, and the said corporation, their successors and assigns as follows :—

1. That the said corporation agrees to acquire for and furnish to the said company suitable lands, to wit : Park lots number five, and south part of six, north of Lambton street in the said town of Durham as and for a site for a furniture factory.

2. The said corporation agrees to loan the said company the sum of ten thousand dollars upon delivery to them of a first mortgage upon the lands, and buildings, and plant to be erected thereon ; they also agree to fix by by-Law or other act sufficient in that behalf the assessment of all



the said lands, buildings, plant, stock and other improvements now owned or hereafter to be acquired as aforesaid for the purpose of said factory at an aggregate assessed value of \$450 per year during the said term of ten years so that the school or other rates to be paid in respect thereof shall be paid only in respect of such aggregate assessed value of \$450.

3. The said company agrees to erect and build within twelve months upon the said lands, substantial and necessary buildings, for the purpose of a furniture factory together with boiler and engine room and all necessary out-buildings and to place therein all necessary boilers, engines, lathes and other machinery necessary and proper for the full and sufficient equipment of the said furniture factory.

4. And the said company agrees to employ upon the completion of the said factory continuously during the term of ten years hereafter an average of at least forty persons in and about the said factory, and to maintain the said factory with said number of employees in active and efficient operation for the said term of ten years.

5. And the said company agrees to secure to the said corporation by a first mortgage upon the said lands and premises and machinery and upon the unpaid subscribed stock, repayment of the said sum of ten thousand dollars without interest on the following days and times, that is to say: an instalment of one thousand dollars thereof shall be paid at the end of the third, fourth, fifth, sixth, seventh, eighth and ninth years and a final instalment of three thousand dollars at the end of the tenth year of the coming into force and effect of by-law No. 354 of the said corporation.

Provido, that the said company shall have the right and privilege of making calls upon the said subscribed stock, provided that all moneys arising from such calls shall be invested to the satisfaction of the said corporation, in machinery, buildings, material or necessary expenses, connected with the carrying on of the business of the said company.

6. And the said company agrees to insure and keep insured against loss or damage by fire, in insurance companies acceptable to the council of the said corporation, their buildings, plant and machinery to the full insurable value thereof but not less than the amount due from time to time to the said corporation on their mortgage, and in default the said corporation may insure and charge the moneys paid for premiums to the said company, and the company shall make such insurance payable to the said corporation as their interest may appear.

It is understood and agreed that this agreement shall not become operative and binding upon the parties hereto unless and until the assent of the electors shall have been obtained to the passing of such by-law, and the same shall have been made valid and binding upon the said corporation and duly legalized and confirmed by the Legislature of the province of Ontario, and further that when and so soon as such by-law shall have been duly legalized and confirmed as aforesaid the said corporation shall hand over to the said company the sum of ten thousand dollars in cash as in full satisfaction of the loan of ten thousand dollars hereinbefore mentioned.

In witness whereof the corporate seal of the said company and the hands of the President and Secretary thereof, and the said corporation has hereunto attached its corporate seal and caused its Mayor and Clerk to sign these presents.

Signed, sealed and delivered  
in presence of

(Sgd) J. P. TELFORD.

THE DURHAM FURNITURE COMPANY		
(Limited).		
(Sgd.)	D. JAMIESON, Pres.	{ L. S. }
(Sgd')	JOHN KELLY, Secy.	{ }
(Sgd.)	W. CALDER, Mayor.	{ L. S. }
(Sgd.)	GEORGE RUSSELL, Clerk.	{ }

## CHAPTER 68

## An Act to incorporate the Town of East Toronto.

*Assented to 30th April, 1900.*

WHEREAS the Municipal Corporation of the Village of East Preamble.

Toronto have by their petition represented that it is desired to enlarge and extend the municipality of the said Village of East Toronto and to constitute said enlarged municipality a town and a corporation and body politic under the name of "The Corporation of the Town of East Toronto" and to give such municipality all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario under the municipal laws from time to time in force in the said Province, and also to repeal section 5 of chapter 47 of the Statutes of Ontario, passed in the fifty-first year of Her Majesty's reign, intituled "*An Act respecting the incorporation of the Village of East Toronto*," and to allow the Town of East Toronto to give to the Heinz Pickle Company a site for the erection of buildings and for other purposes of the said company, on such terms, and to exempt the same from taxation for such period, as may be agreed upon between the said company and the municipal council of the said town; and whereas it is expedient, subject to the conditions hereinafter contained, to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the said municipality of the Village of East Toronto and that portion of the Township of York known as the Village of Little York, being described as follows:—Commencing at a point where the northerly limit of said village intersects the westerly limit of the Dawes Road; thence northerly along the said westerly limit to a point in said westerly limit where it is intersected by the southerly limit of lot number 1 according to Registered Plan number 666; thence westerly along said southerly limit to the south-westerly angle of said Lot, thence northerly along the westerly limit of said Lot and the production thereof northerly across the Danforth Road to a point in the north limit of said Danforth Road; thence easterly along said northerly limit to a point in the said northerly limit where it

Incorporation  
limits.

it

it is intersected by the division line between lots 1 and 2 in the second concession from the bay in the Township of York; thence northerly following said last mentioned division line to the point therein where it is intersected by the south limit of Prospect Avenue, thence westerly along the said south limit to the easterly limit of Dawes Road, thence southerly along said east limit to the point therein where the division line between lots 4 and 5 according to register plan number 94 would, if produced easterly, intersect said east limit of said Dawes road; thence westerly along said last mentioned projection and said division line between lots 4 and 5 according to plan 94 to the division line between township lots 2 and 3 in the second concession from the bay in said township; thence southerly along said last mentioned division line to where the same is intersected by the north limit of lot 3 according to register plan 101; thence westerly along said north limit and its projection westerly to the division line between township lots 4 and 5 in the second concession from the bay in said township; thence southerly along said last mentioned division line to the north limit of Danforth Road; thence easterly along said last mentioned north limit to the westerly limit of the said Village of East Toronto; thence northerly along said westerly limit of said village to the northerly limit thereof; thence easterly along said northerly limit to the easterly limit of said village; thence southerly; thence easterly; thence southerly and again easterly, following the limit of said Village to the point of commencement. Also that further portion of the said Township of York consisting of all those parts of township lots 3 and 4 in the first concession from the bay lying east of the division line as fixed by arbitration between lots 4 and 5 in the said first concession and north of the Grand Trunk Railway, shall be and is hereby incorporated as a town and a corporation or body politic under the name of "The Corporation of the Town of East Toronto," and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario under the municipal laws from time to time in force in the said Province.

#### Wards.

2. The said Town of East Toronto shall be divided into three wards, to be called respectively the North, Centre and South wards, which said several wards shall be respectively composed as follows:—

The North Ward shall comprise all that portion of the Town of East Toronto which lies north of Gerrard Street.

The Centre Ward shall consist of that portion of the said town lying between Gerrard Street aforesaid and the Kingston Road in the said town.

The South Ward shall comprise all that part of the said town lying south of the said Kingston Road.



3. The provisions of *The Municipal Act* and amendments thereto relating to matters consequent on the formation of new municipal corporations and all other provisions of the said *Municipal Act* and amendments shall, except so far as is herein otherwise provided, apply to the said Corporation of the Town of East Toronto in the same manner as if the said village had been erected into a town under the provisions of *The Municipal Act*.

General provisions of Rev. Stat. c. 223, to apply.

4. The preceding provisions of this Act shall not come into force until after a by-law has been submitted to the ratepayers qualified to vote on money by-laws in that portion of the Township of York described in section 1 of this Act, and within one month after passing of this Act the Council of the Village of East Toronto shall cause a by-law to be prepared which shall recite the passing of this Act and express the assent of such ratepayers to the annexation of the said lands in the Township of York to the said Village of East Toronto and the council of the Township of York upon being required to do so by the council of the said Village of East Toronto shall submit the said by-law to such ratepayers in the manner prescribed for the submission of money by-laws under *The Municipal Act* and if the said by-law shall receive the assent of two-thirds of the ratepayers voting thereon, then the preceding sections of this Act shall come into force and take effect on, from and after the first day of the month next following the month in which the said by-law was voted on by the ratepayers aforesaid.

By-law to be submitted to ratepayers of Little York

5. The expenses incurred in obtaining this Act, and of submitting the by-law hereinbefore referred to and of furnishing any documents, copies or papers, writings, deeds or any matters whatsoever required by the clerk or other officer of the said Town of East Toronto or otherwise, shall be borne by the said town and paid by it to the person or persons entitled thereto.

Expenses of Act etc.

6. Arrears of taxes due to the Municipality of York in respect of lands within the limits of the Town of East Toronto, as hereby incorporated shall be collected and managed in the same way as the arrears due to towns, and the mayor or reeve acting as mayor until a mayor shall have been elected as hereinbefore provided, and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario, and the various provisions of law relating to the sale of lands for arrears of taxes, whether same accrued before or after the incorporation of the Town of East Toronto, and to deeds given therefor, shall apply to the said Corporation of the Town of East Toronto and to sales of land therein for arrears of taxes due thereon and to deeds given therefor.

Arrears of taxes.

Assessment  
roll and col-  
lection of  
taxes.

7. The assessment roll as now being prepared and completed by the assessors of the Municipality of the Township of York for the year 1900 shall so far as the same affects lands within the limits of the said town be valid to all intents and purposes as if the said assessors had been appointed by the council of the said Town of East Toronto and the subsequent assessment rolls of the said town shall be prepared and completed in the same manner and be subject to revision as assessment rolls in towns in the Province of Ontario. The levy of taxes for the year 1900 and the collectors' rolls to be prepared shall be made by the municipal council of the Town of East Toronto and by the clerk of the said town respectively, and the taxes and other rates shall be collected by the tax-collector for said town.

Grant of site  
to Heintz  
Pickle Co.

8. The municipal council of the Village of East Toronto or of the Town of East Toronto if incorporated as a town as hereinbefore provided or otherwise may acquire land not exceeding \$1,000 in cost and convey the same to the Heintz Pickle Company as a site for the erection of buildings and for other purposes of the said company and may exempt the same from taxation (except for school purposes) for such period as may be set forth in a by-law for that purpose, but the provisions of *The Municipal Act* and amendments thereto relating to by laws for granting bonuses to manufacturers shall apply to the said by-law.

51 V. c. 47,  
s. 5, repealed.

9. Section 5 of Chapter 47 of the Statutes of Ontario passed in the 51st year of Her Majesty's reign intituled "*An Act respecting the incorporation of the Village of East Toronto*," is repealed.

## CHAPTER 69

## An Act respecting the Town of Fort William, 1900.

*Assented to 30th April, 1900.*

**W**HEREAS the Corporation of the Town of Fort William Preamble.  
have prayed for special legislation in respect of the enactments hereinafter contained; and whereas William W. Ogilvy, late of Montreal (now deceased), for himself, his heirs, executors and administrators, entered into an agreement with the Town of Fort William to build an elevator of 500,000 bushels capacity and to erect a flour mill of a daily capacity of 1,000 barrels in consideration of the grant to him by the Town of Fort William of a free site, the cost of which to the municipality will be \$25,000 (said site to include a portion of Front Street between Garnet and Duncan Streets) and of the said estate both real and personal being exempted from taxes for the term of ten years from this date, but that should the exemption from taxes be extended to twenty years, the capacity of the said elevator will be increased to 700,000 bushels and of the said flour mill to not less than 1,500 barrels per day; and whereas a by-law authorizing the issue of debentures to the extent of \$25,000 repayable with interest at 4 per cent. in 20 years for the purpose of purchasing the proposed site having been submitted to the duly qualified ratepayers of the Town of Fort William, out of a total of 625 persons entitled to vote thereon, 136 of whom are non-resident, 437 voted for the By-law and 5 against; and whereas a by-law to exempt the said property from taxation for a period of ten years was submitted and 433 voted for and 10 against the said by-law; and whereas by an error in drawing up the said exemption by-law all reference to personal property was omitted from the same, but there has been filed with the Clerk of the Legislative Assembly for the Province of Ontario a Petition signed by 302 of the duly qualified ratepayers of the Town of Fort William, praying that the property both real and personal, in any way connected with the aforesaid mill and elevator shall be exempted from taxation during a period of twenty years, which 302 signatures represent a much larger number of votes inasmuch as many of the signers are entitled to vote in more Wards than one in the Town of Fort William; and whereas the Town of Fort William has complied with all the provisions of *The Municipal Act* for the proper closing up of Front Street between Garnet and Duncan Streets aforesaid; and whereas the Mattawin Iron Mining Company, Limited, have agreed with the Town of Fort William to erect a blast furnace for the manufacture of pig iron with a daily capacity of fifty tons and to spend not less than



than \$200,000 on the erection, completion and equipment of said furnace and charcoal fuel plant, and to produce daily for a period of not less than 30 days, 50 tons of iron before claiming the benefits hereby conferred, in consideration of the grant to them of \$50,000 of the debentures of the Town of Fort William payable in 30 years, and bearing interest at 4 per cent. and of the exemption from taxation (excepting school taxes and local improvement rates) of all the real and personal property of the Company in connection with the said blast furnace; and whereas by a vote of the duly qualified ratepayers of the Town of Fort William upon the said by-law to grant the said bonus there were 285 votes cast for and 80 against the said by-law; and whereas by a vote of the duly qualified ratepayers of the Town of Fort William upon a by-law to exempt the said blast furnace from taxation for the period of ten years, there were 271 votes cast for and 92 against the said by-law; and whereas the said Mattawin Iron Mining Company, Limited, have agreed with the Town of Fort William to erect a copper smelting establishment for the smelting of copper ores with a daily smelting capacity of 60 tons of ore and to spend not less than \$75,000 on the erection, completion and equipment of the said copper smelting establishment and to smelt daily for a period of not less than 30 days 60 tons of copper ore before claiming the benefits hereby conferred, in consideration of the grant to them of \$25,000 of the debentures of the Town of Fort William payable in 30 years and bearing interest at 4 per cent. and of the exemption from taxation (excepting school taxes and local improvement rates) of all the real and personal property of the company in connection with the said copper smelting establishment; and whereas by a vote of the duly qualified ratepayers of the Town of Fort William upon the said by-law to grant the said bonus there were 248 votes cast for and 104 against the said by-law; and whereas by a vote of the duly qualified ratepayers of the Town of Fort William upon a by-law to exempt the said copper smelting establishment from taxation for a period of ten years there was 251 votes cast for and 115 against the said by-law; and whereas the payment of similar bonuses already granted by the municipality requires an annual levy of \$2,117; and whereas the said the Corporation of the Town of Fort William desires that the various agreements and by-laws should be ratified, validated and confirmed; and whereas it is expedient to grant the legislation asked for;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
205, granting  
aid to Ogilvie  
grain elevator  
confirmed.

1. By-law number 205 of the corporation of the Town of Fort William, intituled "A By-law for granting aid by way of a free site to William W. Ogilvie, his heirs, executors and administrators, for the purpose of a grain elevator and flour mill in said

said Town of Fort William" (a copy of which by-law is contained in Schedule A hereto) and the agreement between the said municipal corporation and the said William W. Ogilvie, his heirs, executors and administrators, fully set out in Schedule B, to this Act, are hereby confirmed and declared to be legal, valid and binding upon the said municipal corporation of the Town of Fort William and the ratepayers thereof, and upon the said William W. Ogilvie, his heirs, executors, administrators and assigns anything in *The Municipal Act* or in any other Act to the contrary notwithstanding.

2. The lands referred to in the said agreement contained in Schedule "B" hereto and all buildings which may be erected thereon, as also all persons who may be the owners thereof in respect of such lands and buildings, shall subject to the provisions of the said agreement contained in Schedule B, be exempt from all taxes (other than school taxes) of the Town of Fort William for a period of twenty years from the passing hereof; and all personal property of every kind and description which may be in any way associated with the operation of the mill and elevator in said agreement mentioned or the business connected therewith, inclusive of all grain, flour and other products which may, during the period of this exemption, be upon the said lands or in transit thereto or therefrom, and the owners thereof in respect of such personal property, shall, subject to the provisions of the said agreement contained in Schedule B, be exempt from all taxes (including school taxes) for a period of twenty years from the passing hereof.

Exemption of  
lands from  
taxation.

3. By-law number 214 of said Corporation, intituled "A by-law to stop up a portion of Front street in the Town of Fort William and to sell and convey the same to William W. Ogilvie" (a copy of which by-law is contained in Schedule C hereto) is hereby confirmed and declared to be legal, valid and binding upon the said Municipal Corporation of the Town of Fort William and the ratepayers thereof and upon the said William W. Ogilvie, his heirs, executors and administrators, anything in *The Municipal Act* or any other Act to the contrary notwithstanding, and the said corporation are hereby empowered to grant that portion of said Front Street so closed up to said William W. Ogilvie, his heirs and assigns for the purposes aforesaid.

By-law No.  
214, closing  
Front street  
confirmed.

4. "By-law number 227 of the Corporation of the Town of Fort William to authorize the issue of debentures for \$25,000 for the purpose of granting a bonus to The Mattawin Iron Mining Company, Limited, in aid of the erection of a copper smelting establishment for smelting copper ores in the Town of Fort William" (a copy of which by-law is contained in Schedule D hereto) is hereby confirmed and declared valid and binding upon the said Municipal Corporation of the Town of Fort William and the ratepayers thereof and upon the said The

By-law No.  
227, for bonus  
to Mattawin  
Iron Mining  
Co. confirmed.

Mattawin

Mattawin Iron Mining Company, Limited, their successors and assigns, anything in *The Municipal Act* or in any other Act to the contrary notwithstanding, and the said Corporation may enter into an agreement in the form or to the effect set forth in Schedule D hereto with the said The Mattawin Iron Mining Company, Limited, their successors and assigns, and the same when so entered into shall be valid, legal and binding upon the parties thereto.

By-law No.  
226, for aid to  
blast furnace,  
etc., con-  
firmed.

5. "By-law number 226 of the Corporation of the Town of Fort William to authorize the issue of debentures for \$50 000 for the purpose of granting a bonus to The Mattawin Iron Mining Company, Limited, in aid of the erection of a blast furnace for the manufacture of pig iron in said municipality" (a copy of which by-law is contained in Schedule E hereto) is hereby confirmed and declared valid and binding upon the said Municipal Corporation of the Town of Fort William and the ratepayers thereof and upon the said The Mattawin Iron Mining Company, Limited, their successors and assigns anything in *The Municipal Act* or in any other Act to the contrary notwithstanding, and the said Corporation may enter into an agreement in the form or to the effect contained in Schedule E hereto with the said The Mattawin Iron Mining Company, Limited, their successors and assigns, and the same when so entered into shall be valid, legal and binding on the parties thereto.

Exemption  
from taxation.

6. All real estate situate in Fort William purchased or to be purchased by the Mattawin Iron Mining Company, Limited, for the use of or in connection with the blast furnace in section 5 hereof referred to, and for the use of or in connection with the copper smelting establishment in section 4 hereof referred to, not exceeding altogether seventy-five acres (but not the dwelling houses owned or erected by the company or its employees, servants or agents), together with the furnace, establishment, machinery for said furnace and establishment, buildings, ways, ores, fuel and other property of the said company for the operation of or being a product of the said furnace and establishment shall, subject to the provisions contained in the agreements in section 4, Schedule E, and section 5, Schedule E, to this Act, be exempt from all municipal taxes (other than school taxes and local improvement rates) for a period of ten years from the passing hereof.



## SCHEDULE A.

*(Section 1.)*

THE CORPORATION OF THE TOWN OF FORT WILLIAM, BY-LAW No. 205.

A. BY-LAW FOR GRANTING AID BY WAY OF A FREE SITE TO WM. W. OGILVIE FOR THE PURPOSE OF A GRAIN ELEVATOR AND FLOUR MILL IN SAID TOWN OF FORT WILLIAM.

Whereas the said William W. Ogilvie has offered to build in the town of Fort William a grain elevator of a capacity of not less than five hundred thousand bushels, and also a flour mill of a capacity to grind not less than one thousand barrels of flour per day, on condition of obtaining among other considerations a free site for same from the corporation of the said town of Fort William.

And whereas it is deemed expedient to raise the sum of \$25,000 by way of loan to purchase a suitable site for the said elevator and mill ;

And whereas the amount of the whole rateable property of the said town of Fort William, according to the last revised assessment roll thereof, being the assessment roll for the year 1899, is \$1,043,532 ;

And whereas the existing debenture debt of the said town of Fort William amounts to the sum of \$136,471.35, no principal and no interest being in arrear ;

Therefore the corporation of the town of Fort William, by the council thereof, enacts as follows :—

1. It shall and may be lawful for the municipal council of the corporation of the town of Fort William to aid the said William W. Ogilvie for the erection of an elevator and flour mill within the limits of the town of Fort William by the granting of a free site to be purchased by the town in accordance with the offer of the said William W. Ogilvie, dated the 12th day of August, 1899 ;

2. For that purpose it shall be lawful for the Mayor of the said town of Fort William to borrow twenty-five thousand dollars, and to issue debentures of the said municipality to the said amount of \$25,000 in sums of not less than \$100, payable at the end of twenty years from the date of which this by-law takes effect, and to bear interest at a rate not exceeding four per cent per annum, payable half-yearly on the 12th day of March and the 12th day of September in each year respectively, during the currency of said debentures.

3. The said debentures shall bear date on the day hereinafter appointed for the coming into force of this by-law, shall be sealed with the corporate seal of the said town of Fort William, be signed by the Mayor and the Treasurer thereof, and bear interest at the rate of four per cent. per annum from the date thereof until respectively due, as hereinbefore specified, which interest shall be payable half-yearly on the 12th days of March and September respectively in each year at the Treasurer's office in the town of Fort William, where also the said debentures shall be payable.

4. The said debentures shall have attached thereto coupons for the payment of the interest thereon.

5. During the currency of the said debt while any of the said debentures remain unpaid, there shall be raised, assessed and levied yearly upon the whole rateable property in the town of Fort William, the sum of \$1,000 for the payment of the interest during the currency of the said debentures, and also the sum of \$839.50 for the payment of the said debt

6. This by-law shall come into force on the day of the final passing thereof by this Council.

7. The votes of the electors of the municipality of the town of Fort William shall be taken on this by-law on Monday the 11th day of September, 1899, commencing at nine o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day as follows :

In

In ward 1 at J. W. Robertson's house, and the said J. W. Robertson to be Deputy Returning Officer; ward 2 (No. 1) at L. A. Hamilton's store, A. McNaughton, Deputy Returning Officer, (No. 2) in town hall, John J. Wells, Deputy Returning Officer; ward 3, Stevens' Photograph Gallery, William Polling, Deputy Returning Officer; ward 4, at Court House, Augustus H. Wilson, Deputy Returning Officer.

8. On Saturday the 9th day of September, 1899, at the hour of ten o'clock in the forenoon, the Mayor of the town of Fort William will attend at the office of the town Clerk in the town of Fort William for the purpose of appointing in writing, signed by himself two persons to attend at the final summing up by the Town Clerk of the votes polled on this by-law, and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested and desirous of opposing the passing of this by-law.

9. On Tuesday the 12th day of September, 1899, at ten o'clock in the forenoon at the office in the town hall in the town of Fort William the Clerk of the town of Fort William will proceed to sum up the number of votes given for and against this by-law.

(Corporate seal).

C. W. JARVIS, Mayor.  
E. S. RUTLEDGE, Clerk.

## SCHEDULE B.

### (Section 1.)

Memorandum of agreement made this second day of November, 1899 : Between, William W. Ogilvie, of the City of Montreal, Esquire of the First Part, and the Corporation of the Town of Fort William, hereinafter called the Town of the Second Part.

Whereas negotiations have been proceeding between the parties hereto and tentative arrangements arrived at for the erection by said Ogilvie of a certain flour mill and elevator, in the said town, and for assistance to be rendered by the town to said Ogilvie, in connection with said erection.

And whereas the town has enacted a certain by-law known as by-law No. 205, entitled "A by-law granting aid by way of a free site to William W. Ogilvie, for the purpose of a grain elevator and flour mill in the said town of Fort William," and also a by-law known as by-law No. 206, entitled, "A by-law for granting exemption from taxes to William W. Ogilvie, for the erection of a grain elevator and flour mill in the town of Fort William," and said by-laws have been passed by popular vote and finally adopted by the council of the said town.

And whereas the said town has also enacted a certain by-law No. 214, entitled, "A by-law to stop up a portion of Front street, in the town of Fort William, and to sell and convey the same to William W. Ogilvie :"

Now this agreement witnesseth that the town covenants and agrees with the said Ogilvie, his heirs, executors, administrators and assigns, as follows :

1. The town will cause to be conveyed and assigned with a good title free of all encumbrances, to said Ogilvie, certain lands and premises more particularly described as follows, that is to say, situate, lying and being in the town of Fort William, and composed of lots numbers 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 97 on the west side of Front street, and lots numbers 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, on the east side of Front street, all in said town of Fort William :

2. The town will also cause to be conveyed to said Ogilvie the lands heretofore forming a portion of Front street in the said town, more particularly described in said by-law No. 214 ;

3. The town will make application to the Legislative Assembly of the Province of Ontario, at its next session, for legislation validating said by-laws Nos. 205 and 214, and also this agreement, and the town will use its best endeavors to procure such legislation to be passed.

4. The town will also apply for and use its best efforts to obtain legislation next session, exempting the lands hereinbefore referred to, and all buildings which may be erected thereon, as also all persons who may be the owners thereof in respect of such lands and buildings, from all taxes (other than school rates) during a period of ten years from the passage of such legislation; and also exempting all personal property of every kind and description which may be in any way associated with the operation of the said mill and elevator, or the business connected therewith, inclusive of all grain, flour and other products which may during such period of ten years be upon the said lands, or in transit thereto or therefrom, and the owners thereof in respect of such personal property, from all taxes including school rates.

In consideration of the above agreement and the execution thereof including the obtaining of the exemption from taxation aforesaid the said Ogilvie for himself his heirs, executors, administrators and assigns, covenants and agrees with the town as follows:—

5. The said Ogilvie will construct, erect and equip upon the said lands or a portion thereof, a grain elevator of a capacity of not less than five hundred thousand bushels and a flour mill of a capacity sufficient to grind at least one thousand barrels of flour per day.

(a) If the said mill and elevator be not fully completed and in operation before the expiration of 2 years from the passage of the legislation hereinbefore referred to, then the said lands, buildings and personal property shall, notwithstanding the provisions hereinbefore contained, become liable to the ordinary taxation of the town and shall so continue until said buildings shall have been fully completed and put in operation.

(b) If the said mill and elevator be not fully equipped and completed before the expiration of 3 years from the passage of such legislation then not only shall the exemption from taxation above provided for cease, but the said Ogilvie shall pay to the town the sum of Thirty-five thousand dollars.

(c) If prior to the completion of the said buildings and their being put in operation, they shall be destroyed or injured by fire or other causes over which said Ogilvie has not control, then the period during which said Ogilvie shall have been delayed by such cause shall not be estimated in computing the said periods of 2 and 3 years respectively.

6. The said Ogilvie or his assigns are to operate the said flour mill at an average of not less than one hundred and seventy-five days per year during the twenty years from the commencement of the operations thereof.

(a) In the event of the said Ogilvie failing to operate the said flour mill in the manner aforesaid, then when and so often as such default shall happen the property of the said Ogilvie in the said town shall be assessed and pay taxes according to the general law for the year in which such default happens, as if this agreement had not been entered into and as if no by-law or statute in that behalf had been passed.

(b) If the said Ogilvie shall fail to operate the said flour mill for less than three hundred and fifty days in any consecutive period of twenty-four months then on the happening of any such event or default this agreement shall be null and void in so far as exemption from taxation is concerned, and the property of the said Ogilvie in the said Town shall be assessed and pay taxes according to the general law as if this agreement had not been made and as if no by-law or ratifying statute in that behalf had been made or passed.

(c) The clauses of this paragraph shall not have effect in cause of default happening by reason of damage to the mill by fire, accident or otherwise, or by any other cause over which said Ogilvie shall have no control, and any period of cessation in operating said mill due to such cause shall not be estimated in calculating any period of default.

7. If at any time during the said period of twenty years all the buildings which have been erected on said lands are totally destroyed, and in case a flour mill and elevator of the capacities aforesaid are not built within a period of two years from the happening of such destruction, then the said lands shall be reconveyed by said Ogilvie to the town or at

the



the option of said Ogilvie he shall pay to the town the sum of thirty-five thousand dollars and all exemption from taxation shall cease.

(a) If the buildings are partially destroyed and if the mill and elevator of the capacities aforesaid are not rebuilt within two years after destruction, then the said Ogilvie shall pay to the town the sum of thirty-five thousand dollars and all exemption from taxation shall cease.

(b) If prior to the completion of such re-erection of the said buildings and their being put in operation they shall be destroyed or damaged by fire or by any other cause over which said Ogilvie has no control, then the period during which the said Ogilvie shall have been delayed by such cause shall not be estimated in computing the period of two years referred to in this paragraph.

8. The town shall have a charge upon all the lands and premises hereinbefore referred to as security for the due payment by the said Ogilvie of the sum of thirty-five thousand dollars, as provided for in the preceding paragraphs, 5 (b), 7 and 7 (a).

9. And this agreement further witnesseth that the town covenants and agrees with the said Ogilvie, his heirs, executors, administrators and assigns, that it will apply for and use its best efforts to obtain legislation at the next ensuing session of the Legislative Assembly of the Province of Ontario, exempting the said lands, buildings and personal property in manner aforesaid, but for a period of twenty years instead of ten, as hereinbefore provided.

10 And the said Ogilvie, for himself, his heirs, executors, administrators and assigns, covenants and agrees with the town that in case such legislation is passed he will so construct and equip the said mill that it shall have a capacity of not less than fifteen hundred barrels of flour per day, and the said elevator so that it shall have a capacity of not less than seven hundred thousand bushels.

11. And further that if the legislation referred to in paragraphs 3 and 4 is not passed that he will either reconvey all the said lands to the town or will pay to the town twenty-five thousand dollars in respect of the parcels of land referred to in paragraph 1 of this agreement, and a further sum in respect of the lands referred to in paragraph 2 of this agreement, to be settled by three arbitrators in case the parties cannot agree upon the amount, each party to appoint one arbitrator and the third to be appointed by the two so appointed, and the award of a majority of the arbitrators shall be sufficient.

12. This agreement is subject to the ratification of the Legislative Assembly of the Province of Ontario.

In witness whereof the parties hereto have hereunto set their hands and seals the day and the year first above written.

Signed, sealed and delivered in  
presence of

THOS. WILLIAMSON, Witness,  
Montreal.

(Signed) W. W. OGILVIE. [Seal.]

C. W. JARVIS, Mayor.

E. S. RUTLEDGE, Clerk.

[Corporate seal.]

## SCHEDULE C.

(Section 3.)

TOWN OF FORT WILLIAM, BY-LAW No. 214. To STOP UP A PORTION OF FRONT STREET IN THE TOWN OF FORT WILLIAM, AND TO SELL AND CONVEY THE SAME TO WM. W. OGILVIE.

Whereas, William W. Ogilvie, of the city of Montreal, miller, proposes to establish a flour mill and grain elevator in the said town of Fort William, on a site to be furnished by the corporation of the said town.

And whereas, to make said site the said corporation of the town of Fort William has purchased all the lots on both sides of Front street aforesaid, lying

lying between Duncan and Garnet streets, and it is necessary to close up Front street in order to make a solid block available for said site.

Therefore the municipal council of the corporation of the town of Fort William enacts as follows:—

1. That all that portion of Front street in the sub-division of the John McKellar Farm, lying west of the Kaministiquia river, in the town of Fort William and District of Thunder Bay, described as follows:—

Commencing at the northwest corner of Garnet and Front streets and at the intersection thereof, thence north along the westerly limit of Front street eight hundred feet, more or less to the southwest corner of Front and Duncan streets; thence east sixty-six feet, more or less, to the southeast corner of Front and Duncan streets and the easterly limit of Front street; thence south along said easterly limit of Front street eight hundred feet, more or less, to the northeast corner of Front and Garnet streets; thence west sixty-six feet, more or less, to the northwest corner of Front and Garnet streets and place of beginning, as shewn colored blue on a plan of survey made by A. E. Farncomb, land surveyor, dated Sept. 12th, 1899, is hereby declared to be stopped up and closed, and the said portion thereof shall, after the passing of this by-law, cease to be a public highway.

2. That in consideration of the said William W. Ogilvie erecting a flour mill and grain elevator on the said portion of Front street so closed and stopped up on lands adjoining the same to the east and west thereof, the said portion of Front street so closed shall be sold and conveyed for the consideration aforesaid to the said William W. Ogilvie, and the mayor shall execute under the corporate seal of the said corporation, countersigned by the clerk of the said corporation, the necessary conveyance vesting the same in the said W. W. Ogilvie.

Dated the 12th day of September, A. D. 1899.

C. W. JARVIS, Mayor.

E. S. RUTLEDGE, Clerk.

[Corporate Seal.]

## SCHEDULE D.

### (Section 4.)

By-law No. 227 of the Corporation of the town of Fort William to authorize the issue of debentures for \$25,000 for the purpose of granting a bonus to the Mattawin Iron Mining Company, Limited, in aid of a copper smelting establishment for smelting copper ores in the town of Fort William.

Whereas the Mattawin Iron Mining Company, Limited, is incorporated for the purpose of mining and manufacturing ores and minerals; and whereas, owing to the recent development of a large copper mine at Round Lake, in the vicinity of the route of The Ontario and Rainy River railway, the town of Fort William is advantageously situated for the erection of a copper smelting establishment, and such enterprise will benefit similar mines and promote manufacturing industry in Fort William, and whereas it is deemed expedient to grant to the said Company \$25,000 by way of bonus to aid in the erection of a copper smelting establishment on certain conditions hereinafter stated.

And whereas it is necessary to issue debentures for the said sum of \$25,000, and that the time for payment thereof shall be extended over a period of thirty years in such manner that the yearly payment of principal and interest shall together be as nearly equal as possible, and that the Provincial Legislature shall be petitioned to sanction this by-law and legalize the said issue of debentures.

And whereas the total amount required to be raised annually for paying the debt and interest in respect of the said bonus is the sum of \$1,445.76 yearly for 30 years, and whereas the whole rateable property of the town of Fort William, according to the last revised assessment roll thereof is \$1,043,352.00.

And

And whereas the existing debenture debt of the town of Fort William is \$156,295.22, and no part of said debt, either principal or interest is in arrear.

Therefore the council of the corporation of the town of Fort William enacts as follows :—

1. It shall be lawful for the said municipality to borrow the said sum of twenty-five thousand dollars and to issue debentures for said sum in such instalments of principal and interest to be paid yearly as shall together with the interest to be paid yearly be as nearly equal as possible in every year during said period of 30 years.

2. It shall be lawful for the Mayor or other head of the municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized, the sanction of the same by the Provincial Legislature being first authorized, and to cause the same to be signed by the Treasurer of the said municipality, and the Clerk of said municipality is hereby authorized and instructed to attach the seal of said municipality to said debentures which shall be payable at the Treasurer's Office, in the Town of Fort William.

3. During the period of 30 consecutive years beginning with the year in which the debentures are to be issued as hereinafter provided there shall be raised and levied annually by special rate upon the rateable property within the municipality the sum of \$1,445.76 (fourteen hundred and forty-five dollars and seventy-six cents) being a sum sufficient to repay the said debentures for \$25,000 and all interest thereon in 30 years.

4. The said debentures shall be issued and delivered to the Mattawin Iron Mining Company, Limited, in satisfaction of the said bonus in manner and subject to the conditions and at the times set forth in the following agreement, that is to say :—

This agreement made in duplicate this thirteenth day of December, A.D. 1899, between the corporation of the Town of Fort William, (hereinafter called the "Corporation") of the first part and The Mattawin Iron Mining Company, Limited, (hereinafter called the "Company") of the second part.

Whereas the company have in contemplation the establishment of a copper smelting works in the said Town of Fort William, and the Corporation have offered to assist the said enterprize by granting a bonus to the extent of \$25,000 upon the terms and conditions hereinafter set forth.

Therefore this agreement witnesseth that for the consideration herein set forth, the said parties have, and hereby do covenant, promise and agree each with the other in manner following :—

First.—The Company will cause to be erected, constructed and equipped a copper ore smelting works, comprising two furnaces capable of smelting sixty tons of copper ore per working day of twenty-four hours. Such copper smelting works to be of modern design and of substantial character and completely and properly equipped with all necessary machinery and plant for the working thereof. The said copper smelting works shall be erected and put in operation within eighteen months from the legalization and ratification hereof by the Provincial Legislature of the Province of Ontario. Upon the final completion of said copper smelting works, as hereinafter provided, there shall have been expended in the construction, erection and equipment thereof a sum of at least \$75,000.

Second.—The Company covenant, promise and agree that they will operate the said smelting works as follows :—

(a) That the said copper smelters shall be capable of smelting sixty tons of copper ore each working day of twenty-four hours during the year as provided in section (b) hereof ; and the daily work of said furnaces shall be the smelting of sixty tons of copper ore.

(b) That the Company will carry on operations in connection with the said smelters for at least six months in each and every year during the period of ten years hereinafter provided for, accidents, strikes and other circumstances beyond their control excepted.

(c) That they will pay monthly in cash in the Town of Fort William to all men employed by them in or about the said smelters.

(d) That they will not engage in or be connected with any business as retail merchants in the District of Thunder Bay.

(e)



(e) That they will operate the said smelting works or any other works substituted therefor, as herein provided for ten years from the commencement of operations of said smelters.

Third.—The whole of the said \$25,000 of said debentures to be issued for said bonus of \$25,000 shall be issued and with interest coupons at four per cent. per annum attached, shall be handed to the Company (who are to accept them at par in full satisfaction of said bonus of \$25,000) as soon as the company have said smelters in operation and have, during thirty days, smelted an average of at least sixty tons of copper ore per working day of twenty-four hours, as herein specified, and the Company shall have expended said sum of \$75,000 in erection thereof, of which amount being so expended the vouchers and books of account with statutory declaration of the President and Secretary of the Company shall be *prima facie* evidence, and the Corporation shall have the right to appoint an engineer to inspect the said works jointly with the engineer of the Company and to verify said expenditure as herein provided, the said engineers to report jointly to the Corporation.

Fourth.—The company agree to erect said copper smelters in that portion of the Town of Fort William, bounded by Vickers street on the east, by River Neebing on the north, by Kaministiquia River on the south, and the westerly limit of the town of Fort William on the west.

Fifth.—The corporation agree to exempt, saving school rates and local improvement taxes, the real and personal property of the company used in connection with said smelters or incidental to the proper working thereof, for a period of ten years from the final passing of the by-law submitted in that behalf; provided, nevertheless, that no dwelling houses owned or erected by or for the company, or its employees, servants or agents shall be exempted from taxation.

Sixth.—And the company further agree with the corporation that in the event of the company making default in the running and operation of said smelting works as aforesaid at any time during the said terms of ten years, then when and so often as such default shall happen all the real estate, buildings, machinery and other property, real and personal, of the company in the town of Fort William shall be liable to taxation during the year in which such default happens as if this agreement had not been entered into and no by-laws or ratifying statute in that behalf passed.

Seventh.—And it is further agreed that if the company shall fail to run and operate said smelting works as herein provided for less than twelve months in any consecutive period of twenty-four months, or shall fail to have said works in operation within the time aforesaid, then on the happening of any such event or default, this agreement shall be null and void as far as exemption from taxation is concerned, and the whole property of the company in the town of Fort William shall be liable to taxation according to the general law as if this agreement and no exempting by-law or ratifying statute in that behalf had been passed.

Eighth.—The company in the event of the total or partial destruction of the said copper smelters, shall restore and put in operation the works of the company in accordance with the requirements of original construction and operation hereunder, and all provisions hereof not inconsistent therewith, shall apply and extend to the said works as restored to same extent as to original works hereunder.

Ninth.—Provided that notwithstanding anything herein contained, the company shall acquire a site and commence operations in good faith, and shall have spent the sum of \$500 in such operations towards erection and completion of said copper smelters as aforesaid (exclusive of site) within six months from the passing of an act by Provincial Legislature ratifying this agreement and by-laws in this behalf, otherwise this agreement shall be null and void, notwithstanding said ratifying act or statute in that behalf, and the company shall be liable only to pay the corporation all costs, legal expenses and other disbursements incurred by the corporation in preparing and submitting said by-laws and this agreement, and in applying to Provincial Legislature for legislation ratifying the same. This agreement shall extend to and be binding on the successors and assigns of the company.

Time

Time shall be of the essence of this agreement.

This agreement shall be subject to ratification and approval of the Provincial Legislature of the Province of Ontario.

In witness whereof the parties hereto have hereunto executed this agreement, the Mattawin Iron Mining Company, Limited, under the hands of its President and Secretary, and by affixing its corporate seal, and the Corporation of the Town of Fort William under the hand of its Mayor and Clerk, and by affixing its corporate seal.

(Sgd.) B. W. FOLGER,  
President.

[Corporate seal.] (Sgd.) J. BAWDEN,  
Secretary.

The mayor is empowered on behalf of this corporation to execute the said agreement between the said company and this corporation herein contained and which is made a part of this by-law after the same shall have received the assent of the ratepayers as required by law and shall have been made valid by the Legislature.

The votes of the electors of the municipality of the Town of Fort William shall be taken on this by-law on Monday, the first day of January, A.D. 1900, commencing at the hour of nine o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day as follows :—

In Ward One—At J. W. Robertson's house. J. W. Robertson, Deputy Returning Officer.

In Ward Two—(No. 1) at the former Journal office, corner of Simpson street and Victoria avenue. David McLure, Deputy Returning Officer. (No. 2) at the Town Hall, S. W. Matthews, Deputy Returning Officer.

In Ward Three—At S. Steven's house, corner of Syndicate avenue and Ridgeway street. Wm. Polling, Deputy Returning Officer.

In Ward Four—At Court House, West Fort. A. H. Wilson, Deputy Returning Officer.

5. On Saturday, the 30th day of December, 1899, at the hour of ten o'clock in the forenoon, the Mayor of the town of Fort William will attend at the office of the Town Clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the Town Clerk of the votes polled on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

6. On Tuesday, the 2nd day of January, 1900, at 10 o'clock in the forenoon at the office in the Town Hall, in the Town of Fort William the Clerk of the Town of Fort William will proceed to sum up the number of votes given for and against this by-law.

C. W. JARVIS,  
Mayor.  
E. S. RUTLEDGE,  
Clerk.

[Corporation seal].

## SCHEDULE E.

(Section 5.)

By-law No. 226 of the Corporation of the Town of Fort William, to authorize the issue of debentures for \$50,000 for the purpose of granting a bonus to the Mattawin Iron Mining Company, Limited, in aid of the erection of a blast furnace for the manufacture of pig iron in said municipality.

Whereas the Mattawin Iron Mining Company, Limited, is the owner of valuable iron mining locations in the vicinity of the Mattawin River, and

is incorporated for the purpose of mining and manufacturing iron and other ores and minerals: and the said Company desire to erect a charcoal blast furnace in the Town of Fort William for the smelting of iron ores, and it is deemed expedient to grant \$50,000 by way of bonus to aid the said Company's enterprise on the terms and conditions hereinafter stated:

And whereas it is necessary that the time for payment of said debentures shall be extended over a period of 30 years in such manner that the yearly payments of principal and interest shall together be as nearly equal as possible, and that the Provincial Legislature of Ontario should be petitioned to sanction this by-law and legalize the said issue of debentures;

And whereas the total amount to be raised annually by special rates for paying the debt and interest at 4 per cent. in respect of said bonus, is the sum of \$2,891.52 yearly for 30 years;

And whereas the whole rateable property of the town of Fort William according to the last revised assessment roll is the sum of \$1,043,352;

And whereas the existing debenture debt of the said Corporation of the Town of Fort William is \$156,295.22;

And no part of the said debt, either principal or interest, is in arrears;

Therefore the Council of the Corporation of the town of Fort William enacts as follows:—

1. It shall be lawful for the said municipality to borrow the said sum of \$50,000 and to issue debentures for the said sum for such instalments of principal as shall, together with the interest to be paid yearly, be as nearly equal as possible in every year during the said period of 30 years.

2. It shall be lawful for the Mayor or other head of the municipality and he is hereby authorized and requested to sign and issue the said debentures hereby authorized, the sanction of the same by the Provincial Legislature being first authorized, and to cause the same to be signed by the Treasurer of said municipality, and the Clerk of said municipality is hereby authorized and instructed to attach the seal of said municipality to said debentures, which shall be payable at the Treasurer's office in the Town of Fort William.

3. During the period of thirty consecutive years beginning with the year in which the debentures are to be issued as hereinafter provided there shall be raised and levied annually by special rate upon all the rateable property within the municipality aforesaid the sum of \$2,891.52 (two thousand eight hundred and ninety-one dollars and fifty-two cents) being a sum sufficient to repay the said debenture debt and all interest in respect thereof.

4. The said debentures shall be issued and delivered to the Mattawin Iron Mining Company, Limited, in satisfaction of the said bonus in the manner and upon the conditions and at the times set forth in the following agreement:—

#### AGREEMENT

made in duplicate this thirteenth day of December, A.D. 1899, between the Corporation of the Town of Fort William (hereinafter called the "Corporation") of the first part, and the Mattawin Iron Mining Company, Limited (hereinafter called the "Company") of the second part.

Whereas the Company have in contemplation the establishment of an iron smelting industry in the Town of Fort William, and the Corporation have offered to assist the said enterprise by granting a bonus to the extent of \$50,000 upon the terms and conditions hereinafter set forth.

Therefore this agreement witnesseth that for the consideration herein set forth, the said parties have, and hereby do covenant, promise and agree each with the other in the manner following:

1. The Company will cause to be constructed, erected and equipped a charcoal iron smelting works or blast furnace capable of turning out at least fifty tons of pig iron per working day of twenty-four hours. Such iron smelting works or blast furnace to be of modern design and substantial character, and to be fully and completely equipped with all necessary machinery and plant proper for working thereof. The said iron smelting works or blast furnace shall be erected and put in operation within eighteen



months from the legalization and ratification hereof by the Provincial Legislature of Province of Ontario. Upon the final completion of said works there shall have been expended in the construction, erection and equipment thereof a sum of at least \$200,000.

2. The Company covenant, promise and agree with the Corporation that they will operate said smelting works or blast furnace as follows :

(a). That the output of said furnace shall average at least fifty tons of pig iron of a merchantable quality for each working day of twenty-four hours during the year, as provided in section (b) hereof, and the minimum output of said smelting works or blast furnace shall be fifty tons of pig iron per working day of twenty-four hours.

(b). That the company will carry on operations in connection with the said smelting works or blast furnace for at least two hundred and fifty working days in each and every year during the period of ten years hereinafter provided for, accidents, strikes and other circumstances beyond their control excepted.

(c). That they will pay monthly in cash in the town of Fort William to all men employed by them in or about the said smelter.

(d). That they will not engage in or be connected with any business as retail merchants in the District of Thunder Bay.

(e). That they will operate the said smelting works or blast furnace or any other works substituted therefor, as hereinafter provided for, as provided in clause second hereof, for ten years from the time of commencement of operations as aforesaid.

Provided that if the supply of charcoal fuel shall, through forest fires or other sufficient causes, become unreasonably expensive, the Company may alter their smelting works or furnace suitable for the manufacture of pig iron with coke or mineral coal, and a delay of one year for such alterations shall not impose any liability on the Company for default hereunder in that respect, and all provisions of this agreement not inconsistent therewith shall extend and apply to said works as altered to same extent as to original works.

(f). That the Company will permit the Corporation to remove from the Company's premises, for the improvement of their streets, two thousand tons of furnace slag in each and every year during which said furnace or smelting works shall be in operation.

3. The debentures for \$50,000 shall be issued and handed over to the Company, with interest coupons bearing interest at four per cent. per annum from the time of commencing smelting operations as aforesaid attached (to be taken by them at par) when and so soon as the works of the Company have been put in operation, and have, during thirty days, produced an average of at least fifty tons of pig iron of a merchantable quality per working day of twenty-four hours as herein specified and the Company shall have expended said \$200,000, of which amount being so expended the vouchers and books of account of the Company and the statutory declarations of the President and Secretary thereof shall be prima facie evidence. The Corporation shall have the right to appoint an engineer to inspect the said works jointly with the engineer of the Company, and to verify said expenditure as herein provided, the said engineers to report jointly to the Corporation.

4. The Company agree to erect the said iron smelting works and blast furnace in that portion of the town of Fort William bounded by Vickers Street on the east, by River Neebing on the north, by Kaministiquia River on the south, and the westerly limit of the town of Fort William on the west.

5. The corporation agree to exempt, saving school rates and local improvement taxes, the real and personal property of the company used in connection with said smelting works or blast furnace or incidental thereto for a period of ten years from the final passing of the by-law submitted in that behalf : provided, nevertheless, that no dwelling houses owned or erected by or for the company, or its employees, servants or agents shall be exempted from taxation.

6. And the company further agree with the corporation that in the event of the company making default in the running and operation of said smelt-

ing

ing works or blast furnace as aforesaid at any time during the said term of ten years, then when and so often as such default shall happen all the real estate, buildings, machinery and other property of the company in the town of Fort William shall be liable to taxation during the year in which said default happens as if this agreement had not been entered into and no exempting by-laws and no ratifying Act of the Provincial Legislature in that behalf passed validating same.

7. And it is further agreed that if the company shall fail to run and operate said smelting works as hereinbefore provided for less than twelve months in any consecutive period of twenty four months, or shall fail to have said works in operation within the time aforesaid then on the happening of any such event or default this agreement shall be null and void as far as exemption from taxation is concerned and the whole property of the company in the Town of Fort William shall be liable to taxation according to general law and as if this agreement and no exempting by-law or ratifying statute in that behalf has been passed.

8. That the company in the event of the total or partial destruction of the said smelting works or blast furnace shall restore and put in operation the works of the company in accordance with the requirements of original construction and operation hereunder, and all provisions hereof not inconsistent therewith shall apply and extend to the said works as restored to same extent as to original works hereunder.

9. Provided that notwithstanding anything herein contained the company shall commence operations for erecting said works and acquire the site therefor within six months from the passing of an Act of the Provincial Legislature ratifying this agreement and by-laws in this behalf, and shall have expended the sum of at least \$1,000 in said operations exclusive of site therefor, otherwise this agreement shall be null and void notwithstanding any ratifying by-law or statute in that behalf, and the company shall only be liable to pay the corporation all costs, legal expenses and other disbursements incurred by the corporation in preparing and submitting said by-laws and this agreement and in applying to the Provincial Legislature for legislation ratifying same.

This agreement shall extend to and be binding on the successors and assigns of the company.

Time shall be of the essence of this agreement.

This agreement is subject to ratification and approval of the Provincial Legislature of the Province of Ontario.

In witness whereof the seal of the corporation under the hands of its mayor and clerk, and the seal of the company as witnessed by the hands of its president and secretary.

(Sgd.) B. W. FOLGER,  
President.

[ Corporate seal. ] (Sgd.) J. BAWDEN,  
Secretary.

The mayor is empowered on behalf of this corporation to execute the said agreement between the said company and this corporation herein contained and which is made a part of this by-law, after the same shall have received the assent of the rate-payers as required by law and shall have been made valid by the legislature.

The votes of the electors of the municipality of the Town of Fort William shall be taken on this by-law on Monday, the First day of January, A.D. 1900, commencing at the hour of nine o'clock in the morning and closing at the hour of five o'clock in the afternoon of the same day, as follows:—

In Ward One—At J. W. Robertson's house. J. W. Robertson, Deputy Returning Officer.

In Ward 2—(No. 1) at the former Journal Office, corner of Simpson Street and Victoria Avenue. David McLure, Deputy Returning Officer. (No. 2) at the Town Hall. S. W. Matthews, Deputy Returning Officer.

In Ward 3—At S. Steven's house, corner of Syndicate Avenue and Ridgeway Street. Wm. Polling, Deputy Returning Officer.

In Ward 4—At Court House, West Fort. A. H. Wilson, Deputy Returning Officer.

5. On Saturday, the 30th day of December, 1899, at the hour of ten o'clock in the forenoon, the Mayor of the town of Fort William will attend at the office of the Town Clerk for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the Town Clerk of the votes polled on this by-law, and also of appointing one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

6. On Tuesday, the 2nd of January, 1900, at ten o'clock in the forenoon, at the office in the Town Hall in the town of Fort William, the Clerk of the town of Fort William will proceed to sum up the number of votes given for and against this by-law.

[SEAL]

C. W. JARVIS, Mayor.  
E. S. RUTLEDGE, Clerk.

## CHAPTER 70

### An Act respecting the Town of Goderich.

*Assented to 30th April, 1900.*

#### Preamble

WHEREAS the Municipal Corporation of the Town of Goderich has petitioned praying that an Act may be passed to confirm and legalize by-law, number 10, of 1899, of the said town, passed on the 29th day of September, 1899, intituled "By-law number 10, of 1899, of the Town of Goderich, to authorize the corporation of the said town to borrow the sum of \$10,000 and to lend the same to the proprietor or proprietors of the factory lately carried on by "The Kensington Manufacturing Company Limited," at the said town," which said by-law is set out in Schedule "A" to this Act; and whereas the said corporation has by its said petition represented that it is necessary and expedient and of great advantage to the said municipality as well as just and right, that the said by-law should be ratified, legalized and confirmed; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

By-law No. 10  
1899, for loan  
of \$10,000 to  
Furniture Co  
confirmed.

1. By-law number 10, of 1899, of the said Town intituled, as in the preamble hereto, and set out in Schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

SCHEDULE



## SCHEDULE A.

BY-LAW NO. 10, OF 1899, OF THE TOWN OF GODERICH, TO AUTHORIZE THE CORPORATION OF THE SAID TOWN TO BORROW THE SUM OF \$10,000.00, AND TO LEND THE SAME TO THE PROPRIETOR OR PROPRIETORS OF THE FACTORY LATELY CARRIED ON BY THE KENSINGTON MANUFACTURING COMPANY, LIMITED, AT THE SAID TOWN.

Whereas application has been made to the municipal council of the said town of Goderich by one Frederick George Rumball, representing that he has recently purchased the furniture factory in the said town erected, and, until lately, occupied by the Kensington Furniture Company, Limited; that he is desirous of continuing and enlarging the business lately carried on by the said company, and for this purpose requesting the loan by the said corporation of the town of Goderich of the sum of \$10,000.

And whereas it is considered desirable for the promotion of the general interests of the said town to accede to the said request, and to lend the said sum of \$10,000 upon the terms as to security, repayment and otherwise hereinafter set forth.

And whereas it will be necessary, for the purposes aforesaid, to raise by way of loan the said sum of \$10,000, upon the security of the debentures of the said the corporation of the Town of Goderich.

And whereas the amount of the whole rateable property of the said municipality, according to the last revised and equalized assessment roll, is the sum of \$1,131,055.

And whereas the amount of the existing debenture debt of the said municipality is now the sum of \$170,744.81, and no principal or interest is in arrear.

And whereas the total amount of the debt intended to be created by this by-law for the purposes aforesaid is the said sum of \$10,000.

And whereas the total amount required to be raised annually by special rate upon the taxable property within the said municipality, for paying such new debt and interest, are the several sums hereinafter specified and directed to be levied annually during the period of twelve years next after the passing of this by-law, for the repayment of principal and interest.

1. Be it therefore enacted, and it is hereby enacted by the municipal council of the said corporation of the town of Goderich, that it shall be lawful for the mayor and treasurer for the time being of the said town to borrow from any person or corporation willing to lend the same, the said sum of \$10,000, for the purpose of lending the same to the proprietor of the said furniture factory, repayable as follows: the said principal sum of \$10,000 in twelve years from the first day of January, in the year one thousand nine hundred, but repayable in instalments as follows:

\$1,000 on the 1st day of January, 1904.

\$1,000 on the 1st day of January, 1905.

\$1,000 on the 1st day of January, 1906.

\$1,000 on the 1st day of January, 1907.

\$1,000 on the 1st day of January, 1908.

\$1,000 on the 1st day of January, 1909.

\$1,000 on the 1st day of January, 1910.

and \$3,000 on the 1st day of January, 1911, together with interest thereon in the meantime on the unpaid principle at the rate of four per cent., payable at the time hereinbefore fixed for the payment of each of the said instalments of principal, and to issue therefor the debentures of the said corporation of the town of Goderich, for sums of not less than \$100 each, with, if necessary, coupons attached for the payment of interest, which said debentures shall be signed by the mayor and treasurer of the said town, and sealed with the corporate seal, and the lender shall pay the money loaned upon the security of the said debentures into the branch or agency of the bank of Montreal at the said town of Goderich, to the special credit of the said town of Goderich, and the same shall be payable out only upon the joint cheque or cheques of the said mayor and treasurer, and shall be exclusively applied for the purposes aforesaid.

2. And for the repayment of the said sum of \$10,000 and interest repayable as aforesaid, there shall be assessed and levied over and above all other rates and taxes upon the whole taxable property within the said municipality, during each and every year for the said period of twelve years next after the passing of this by-law, and the confirmation thereof by the said the Legislative Assembly of the province of Ontario, the following sums, namely :

In the year 1900,	\$1,065 52.
In the year 1901,	\$1,065 52.
In the year 1902,	\$1,065 52.
In the year 1903,	\$1,065 52.
In the year 1904,	\$1,065 52.
In the year 1905,	\$1,065 52.
In the year 1906,	\$1,065 52.
In the year 1907,	\$1,065 52.
In the year 1908,	\$1,065 52.
In the year 1909,	\$1,065 52.
In the year 1910,	\$1,065 52.
In the year 1911,	\$1,065 52.

for the purpose of repaying the said principal sum of \$10,000 and interest thereon at the rate aforesaid.

3. This by-law shall come into full force and effect immediately upon obtaining confirmation thereof by the Legislative Assembly of the province of Ontario, by a private bill to be introduced at the next session thereof for such purpose.

4. Upon obtaining the sanction as aforesaid of the said Legislature, it shall be lawful for the mayor of the said town to lend the said sum of \$10,000 to the said proprietor of the said furniture factory, for the said period of twelve years, repayable with interest at the rate aforesaid at such times and in such sums as will meet the falling due of the said debentures so to be issued as aforesaid, such loan to be secured by a first mortgage upon the lands, buildings and plant of the said factory, and by insurance policies thereon in favor of the said the Corporation of the Town of Goderich, to such amount as can, in the usual course, be obtained thereon, the premiums to be paid from time to time by the said borrower, and the insurance companies to be selected and approved of by the said Mayor, such mortgage to also contain a covenant that during the continuance of said loan, or any part thereof, the said borrower will employ in the said factory not less than thirty employees throughout the year, and such other agreement and stipulations for the security of the said money so to be loaned as aforesaid, and the interest thereon, and for its due repayment, and for the maintenance, as a going concern during the said period of twelve years, of the said factory as the said mayor or the solicitor or counsel for the said the Corporation of the Town of Goderich, may require ; and the said money shall not be paid over to the said the borrower until the said security is perfected, to the satisfaction of the said the Mayor of the said Town.

5. That the votes of the electors of the said municipality entitled to vote for or against this by-law shall be taken on Friday, the eighth day of September, 1899, commencing at the hour of nine of the clock in the forenoon and closing at five of the clock in the afternoon, and such poll shall be taken in the various polling places in which the poll in the last municipal election was held, namely : Polling subdivision No. 1 at McClymont's wagon shop, J. Breckenridge, deputy returning officer ; polling subdivision No. 2 at Thomas Videan's feed store, Charles Bates, deputy returning officer ; polling subdivision No. 3 at the town hall, Jas. Farr, deputy returning officer ; polling subdivision No. 4 at J. B. Runciman's machine shop, John F. Bates, deputy returning officer ; polling subdivision No. 5 at Mrs. Walton's shop, David Marwick, deputy returning officer ; polling subdivision No. 6 at Brophy's furniture store, George Sheppard, deputy returning officer ; polling subdivision No. 7 at James Hays' dwelling house, John Bain, deputy returning officer.

6. That the clerk of the said corporation shall attend at the town hall in the said town on Monday, the 11th day of September, 1899, at eleven

o'clock

o'clock in the forenoon, to sum up the number of votes given for and against this by-law, and the mayor will attend at the said town hall at eleven o'clock in the forenoon of Thursday the 7th day of September, 1899, for the appointment of persons to attend at the various polling places and, at the final summing up of the said votes by the clerk on behalf of persons interested in promoting or opposing the passage of this by-law, respectively.

Finally passed this 29th day of September, 1899.

WM. MITCHELL,  
Clerk.

ROBERT THOMPSON,  
Mayor.

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## CHAPTER 71

### An Act to confirm By-law No. 350 of the Town of Harriston.

*Assented to 30th April, 1900.*

**W**HEREAS, the Municipal Council of the Town of Har- Preamble.  
riston and the Harriston Pork Packing Company, Limited, have by their petition shown that the said company have erected a large and complete pork packing house in the said town, on lands acquired for that purpose, and that the said municipal council has at the request of the said company submitted the by-law set forth in Schedule A hereto, to the vote of the rate-payers of the said town, who are qualified to vote on by-laws for the creation of debts, and that on such vote being taken 237 of such ratepayers voted in favour of the said by-law and only 22 against the same, and the said number, 237, was much more than the required two-thirds of such ratepayers—the total number entitled to vote being\* 330; and that, thereafter, the said by-law was on the 15th day of December, 1899, duly passed by the said municipal council subject to its being legalized by an Act of the Legislature of the Province of Ontario; and, whereas, it is further shewn that the said company have in accordance with the terms of the said by-law entered into an agreement with the said the Municipal Corporation of the Town of Harriston which is set out in Schedule B hereto; and whereas the said council and the said company have by their petition prayed that the said by-law may be confirmed and declared legal and valid, and the said agreement may be confirmed and declared legal and valid with the provision that if in any way there should be a conflict between the by-law and agreement the provisions con-



tained in the by-law shall govern, and that the said the Municipal Corporation of the Town of Harriston, and the said, the Harriston Pork Packing Company, Limited, may be empowered and authorized to do and perform such things as are set forth and provided for in the said by-law, and whereas no opposition has been offered by or on behalf of any ratepayer or otherwise to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 350 of the town of Harriston, respecting Pork Packing Co. confirmed.

1. The said by-law, No. 350, of the Town of Harriston, as set out in Schedule A to this Act is hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof from the time of the passing thereof to all intents and purposes.

Agreement between Pork Packing Co. and town confirmed.

2. The agreement set out in Schedule B to this Act is hereby confirmed and declared to be legal, valid and binding for all purposes save wherein the same may conflict with the provisions of the said by-law and in such points of conflict the said by-law in Schedule A shall govern.

Machinery and plant of Co. to be real estate.

3. It is hereby expressly declared that the machinery and plant of the said the Harriston Pork Packing Company, Limited are to be considered real estate and shall not come under the provisions of *The Bills of Sale and Chattel Mortgage Act*, so that no instrument respecting them shall need to be filed in the office of the clerk of the county court of the county of Wellington.

Rev. Stat. c. 148.

Bonds.—Powers of Co. and town as to.

4. The Corporation of the Town of Harriston and the Harriston Pork Packing Company, Limited, are hereby authorized and empowered to do and perform all things necessary to enable them to issue and guarantee the bonds or debentures as in the said by-law No. 350 mentioned, and to do all Acts, matters, and things mentioned in the said by-law and agreement according to the true intent and meaning of the same.

## SCHEDULE "A."

(Section 1.)

### BY-LAW NUMBER 350.

A by-law to authorize the Municipal Council of the Corporation of the Town of Harriston, to pay for the site of the packing house and yards of the Harriston Pork Packing Company, Limited, and to guarantee the bonds or debentures of the said Harriston Pork Packing Company, Limited, and also to exempt from taxes (other than school taxes) the lands, buildings, (other than residences) plant and machinery of the said company.

Whereas

Whereas the said company has been duly incorporated with a capital stock of \$100,000, of which about \$36,000 has already been subscribed, on which about 70 per cent. has been paid in, and arrangements have been made with an English firm for their subscription of \$10,000 of stock as soon as the amount of subscribed stock has reached \$55,000, with the promise of the said firm to subscribe a further amount of stock if desired;

And whereas the said buildings are almost completed, and the necessary machinery is being placed therein, and the said company will soon be in a position to commence business;

And whereas the erection of the said buildings has given employment to a great many residents of the said town, and the establishment of the business of the said company will necessitate the employment of a large number of hands, and is confidently expected to conduce very much to the prosperity of the town, and it is deemed wise to assist the said company, in the furtherance of their business,

And whereas it has been agreed between the said municipal corporation and the said company to make application to the legislature of the Province of Ontario, for such legislation as may be necessary to empower and authorize the said company to issue bonds or debentures of the said company to the amount of \$20,000 with interest at the rate of 4 per centum per annum, repayable in twenty equal annual instalments of principal and interest, and also in and by the said Act to authorize and empower the said municipal corporation to guarantee the payment of the said bonds or debentures with the proviso that the holders thereof shall lose their remedy against and claim on the said municipal corporation, unless within one year from any of such bonds or debentures becoming due, they take the proper legal steps to compel the said company to pay and satisfy the same, and by said Act to legalize this by-law and to enable the said municipal corporation and the said company to do all that may be necessary in that behalf;

And whereas the said The Harriston Pork Packing Company, Limited, in order to secure the said municipal corporation against any other creditor of the said company obtaining any preference or priority to or over the said municipal corporation, have agreed that they will not sell, convey, mortgage, pledge, hypothecate or give any lien on the said land, buildings, machinery and plant, or on any of them during the currency of their said bonds or debentures, and until the said bonds or debentures are fully paid and satisfied, and that no sale, conveyance, mortgage, pledge, hypothecation or lien thereof shall be valid or give any title thereto or preference over any claim of the said municipal corporation thereon, and that an agreement embodying these provisions shall be registered in the registry office of the north riding of the county of Wellington, so as to give notice thereof to all concerned. And that during the currency of the said bonds or debentures the said Pork Packing Company will keep the said buildings, machinery and plant insured to the amount of not less than \$25,000 in some reliable insurance company or companies, and will not, during said time, assign the insurance policies thereof, and also that during the currency of the said bonds or debentures the said Pork Packing Company shall satisfy the said municipal council annually that the said buildings, machinery and plant are properly insured for the right amount by the *production* of the insurance policies thereof, and that the annual instalments of principal and interest are paid at the proper time by the production of the cancelled bonds or debentures. And that during the currency of the said bonds or debentures that all the skilled and unskilled labor of the said company whose duty does not require their residence outside of the said town of Harriston shall reside within the limits of the said town, so that they and their residences shall not be exempt from the municipal taxation of the said town, and also that the said Harriston Pork Packing Company, Limited, shall satisfy the said municipal council before the said bonds or debentures are guaranteed by the said municipal corporation that they have duly expended on the said buildings, machinery and plant the sum of \$30,000, and that immediately after the said bonds or debentures are cashed, the balance owing on the said building, machinery and plant shall be fully paid for and the same freed from all charges, liens and incumbrances of

And

every nature and kind whatsoever, and the said land shall be paid for by the said municipal corporation in two equal annual instalments with interest on the last instalment at the rate agreed on with the vendor. And it is hereby expressly stated and agreed by the said Pork Packing Company, that this guaranteeing of their bonds or debentures by the said municipal corporation shall not make the said municipal corporation stockholders of the said Pork Packing Company, and that the said municipal corporation in case of their being called on to pay any or all of the said bonds or debentures shall be entitled to rank equal with any other creditor of the said Pork Packing Company ;

And whereas the amount of the whole rateable property of the said town of Harriston, according to the last revised assessment roll, is the sum of \$420,235 ;

And whereas the amount of the existing debenture debt of the said town is the sum of \$27,670.40 for principal and none of the same or the interest thereon is in arrears ; and whereas the said municipal council deem it necessary to submit this by-law to the vote of the duly qualified ratepayers of the said town ; now therefore, the municipal council of the corporation of the town of Harriston, enact as follows :

1. That after the said Harrison Pork Packing Company, limited, shall have entered into a binding agreement with the said municipal corporation to carry out and perform on their part the agreements and stipulations to be performed on their part, which said agreement shall be registered in the said registry office, and it shall be declared by the Act of the Legislature of the province of Ontario hereinbefore mentioned, that the said machinery and plant are to be considered real estate and not to come under the operation of the Act respecting Bills of Sale and Chattel Mortgages, so that no instrument respecting them shall need to be registered in the office of the clerk of the county court of the county of Wellington.

2. It shall and may be lawful for the said municipal council to assist the said Harriston Pork Packing Company, Limited, by paying the cost of the land occupied by the said company as the site of their pork packing house and other buildings and premises by two equal annual instalments as aforesaid, the price of said land having been agreed on by the said company and one Benjamin Tarr, the former owner thereof, at the rate of \$100 per acre and not exceeding in the whole the sum of \$495.

3. The mayor and clerk of the said municipal council by their signatures and the seal of the said corporation, on behalf of the said corporation, shall guarantee the payment of the bonds or debentures of the said pork packing company, not exceeding in all the sum of \$20,000, with interest at the rate of 4 per centum per annum, which shall be payable in twenty equal annual instalments of principal and interest, and which guarantee shall be placed or put on each bond or debenture and shall state that the holders of the same shall lose their remedy and claim thereon against the said municipal corporation, unless within one year from the same becoming due and payable they take the proper legal steps to compel payment thereof by the said Harriston Pork Packing Company, Limited, but the said guarantee shall not be entered into and given until the said pork packing company have satisfied the said municipal council that they have actually paid for the said buildings, machinery and plant the sum of \$30,000.

4. The said lands and the buildings (not including residences) and the machinery, plant and other personal property of the said pork packing company and their successors shall be exempt from payment of all taxes and rates assessable by the said municipality for any purpose whatsoever (other than school taxes and local improvements) for a period of ten years from the thirty-first day of December, 1899, provided that the said company shall have so long continued to carry on their pork packing business.

5. That a poll shall be held and the votes of the ratepayers entitled to vote on this by-law shall be taken thereon on Tuesday, the seventh day of November, 1899, at the hour of nine o'clock in the forenoon and continue until five o'clock in the afternoon of the same day at the following places, with the parties hereinafter designated as returning officers, namely : For ward No. 1, at Mrs. Yeo's residence, Elora street, by William Lamb as returning officer. For ward No. 2 at Mrs. Irwin's residence, Elora street, by



by R. Gilhuly as returning officer. For ward No. 3 at council chamber, by Joseph Stanley, returning officer. For ward No. 4 at the office of Messrs. Howes & Leighton, by Alexander Michie, returning officer. For ward No. 5 at the office of John Livingstone, by John Livingstone, returning officer.

6. That the vote of the said electors on this by-law shall be taken by ballot in the ordinary way and with the formalities herein stated.

7. That on Monday, the sixth day of November, 1899, the mayor of the said town shall attend at the council chamber in the town hall in the said town at the hour of 7.30 o'clock in the afternoon to appoint in writing signed by him two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

8. The clerk of the municipal council of the said town shall attend at the said council chamber immediately after the closing of the poll and sum up the number of votes given for and against this by-law.

9. This by-law shall not come into force and effect until an Act is passed by the legislature of the province of Ontario sanctioning and legalizing the same, and the expenses of the said Act and the taking of the said vote and all other expenses in connection with the said matter and of this by-law shall be provided and paid by the said Harrison Pork Packing Company, limited.

10. This by-law shall come into force and take effect on the passing of the said Act, sanctioning and legalizing the same.

This by-law was passed at a regular open meeting of the municipal council of the said town this 15th day of December, 1899.

(Sgd.) A. J. STEWART, Clerk.

(Sgd.) S. M. HENRY, Mayor.

## SCHEDULE B.

### (Section 2).

This indenture made in triplicate this fifth day of January, one thousand nine hundred.

Between the Harriston Pork Packing Company, Limited, hereinafter called the "company," of the first part and

The Corporation of the Town of Harriston, hereinafter called the "corporation," of the second part.

Whereas the municipal council of the said corporation have at the request of the said company submitted to the votes of the duly qualified ratepayers of the said town, a certain by-law, No. 350 of the said corporation, to enable the said corporation among other things to guarantee the bonds or debentures of the said company to the amount of \$20,000 with interest at the rate of 4 per centum per annum, repayable in 20 equal annual instalments of principal and interest, and also to enable the said corporation to exempt the lands and buildings and the machinery, plant and other personal property of the said company from taxes for a period of ten years from the 31st day of December, 1899, the said lands being described as follows, namely:

All and singular that certain parcel or tract of land and premises situate lying and being in the town of Harriston in the county of Wellington and Province of Ontario and being composed of part of lot number eighty-four in concession "D" of the township of Minto, more particularly described as follows, that is to say:—That piece or parcel of land and premises butted and bounded as follows, commencing at a post planted at the south-westerly corner of the high school site; thence south-easterly

easterly along the rear boundary line of the said high school site a distance of four chains more or less to southerly corner thereof; thence south-westerly along the division line between lot number fifteen and Louise street, one chain fifty links more or less to the southerly corner of said lot; thence south-easterly parallel with Elora street and passing through the division line between lots numbers nine and ten on the easterly side of Louise street to the point of intersection with the fence on the westerly side of the Canadian Pacific Railway lands, a distance of four chains forty-eight links more or less; thence south-westerly along the said fence a distance of six chains eighty-three links more or less to its intersection with the easterly boundary of the Stratford and Huron Railway; thence northerly along said easterly boundary of the said Stratford and Huron Railway a distance of nine chains and fifty links more or less to a stake planted at the point of intersection of the last mentioned boundary with the line; the north-westerly boundary of the said high school site produced south-westerly; thence along said last mentioned production a distance of four chains six links more or less to the place of beginning, containing by admeasurement four acres and fifty-eight one hundredths more or less, the said bounded parcel of land comprising and including therein lots numbers ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, and such portions of Louise street and Joseph street as are included within the said described limits (as to which portions of streets, however, the party of the first part only grants his own rights and does not covenant as to the title thereof) all as laid down on a plan prepared for Mary Wright by John Davis, P.L.S., of a sub-division of part of said farm lot number eighty-four and registered and including a strip of land lying between said lots ten to fourteen and the Canadian Pacific Railway lands;

And also to enable the said corporation to pay the cost of the said land by two equal annual instalments, all as in said by-law and hereinafter set forth;

And whereas the said by-law was duly advertised in manner required by the statutes in that behalf and all things were done necessary to the proper submission of the same and it was submitted to the votes of the duly qualified ratepayers of the said town and was carried by a majority of 215 out of a total vote of 259, only 22 votes being polled against it, being a sufficient majority of such ratepayers as required by law, and was declared carried;

And whereas the municipal council of the said corporation duly passed the said by-law on the 15th day of December, 1899, and it has been signed by the Mayor and Clerk of said corporation and sealed with the corporate seal thereof,

And whereas the said by-law was so submitted and passed on the understanding and agreement of the said parties hereto that the same should be subject to its being legalized by an Act of the Legislature of the Province of Ontario;

And whereas it was agreed that before the said bonds should be guaranteed by the said corporation the said company should enter into an agreement which should be registered in the Registry Office of the North Riding of the county of Wellington for certain purposes as mentioned and set forth in the said by-law and this agreement is intended to effectuate the same;

Now therefore this indenture witnesseth that in consideration of the promises and of the sum of one dollar of lawful money of Canada now paid by each to the other of them the receipt whereof is hereby respectively acknowledged by each of the said parties, the said parties hereby covenant and agree each with the other of them, their and each of their successors and assigns, in manner following, that is to say: They, each of them, agree with the other of them to have an application made to the Legislature of the Province of Ontario for an Act to legalize the said by-law and this agreement.

And the said company hereby covenant and agree with the said corporation in manner following, that is to say: In order to secure the said corporation against any other creditor of the said company obtaining any preference or priority to or over the said corporation, the said company hereby

hereby covenant that they will not sell, convey, mortgage, pledge, hypothecate or give any lien on the said land, buildings, machinery and plant or on any of them during the currency of the said bonds or debentures and until the said bonds or debentures are fully paid and satisfied, and that no sale, conveyance, mortgage, pledge, hypothecation or lien thereof shall be valid or give any title thereto or preference or priority over any claim of the said corporation thereon or thereto, and that this agreement shall be registered in the Registry Office of the North Riding of the county of Wellington so as to give notice thereof to all concerned ;

And that the said company also covenant that they will during the currency of the said bonds or debentures keep the said buildings, machinery and plant insured to the amount of not less than \$25,000 in some reliable insurance company or companies and will not, during the said time, assign the insurance policies or any of them, and that during the said time the said company shall satisfy the municipal council of the said corporation that the said buildings, machinery and plant are properly insured for the right amount by the production of the insurance policies ;

And the said company also covenant that they will pay the annual instalments of principal and interest of the said bonds or debentures at the proper time and will satisfy the municipal council of the said corporation that the said annual instalments of principal and interest are paid at the proper time by the production of the cancelled bonds or debentures ;

And the said company also covenant that during the currency of the said bonds or debentures all the skilled and unskilled labor of the said company whose duty does not require their residence outside of the said town of Harriston shall reside within the limits of the said town so that they and their residences shall not be exempt from the municipal taxation of the said town ;

And the said company hereby covenant that they will, before the said bonds or debentures are guaranteed by the said corporation, satisfy the said municipal council that they have duly expended on the said buildings, machinery and plant the sum of \$30,000.00 ;

And the said company also covenant that they will, immediately after the said bonds or debentures are cashed, fully and completely pay the balance owing on the said buildings, machinery and plant, and free the same from all charges, liens and incumbrances of every nature and kind whatsoever ;

And the said company hereby expressly agree that the guaranteeing of the said bonds or debentures by the said corporation shall not make the said corporation stockholders of the said company, and that the said corporation in case of their being called on to pay any or all of the said bonds or debentures shall be entitled to rank equal with any other creditor of the said company ;

And the said company also agree that the said machinery and plant are to be considered real estate and not to come under the operation of the Act respecting bills of sale and chattel mortgages, so that no instrument respecting the said machinery and plant shall need to be registered in the office of the clerk of the County Court in the county of Wellington ;

And the said company hereby covenant to pay all the expenses of preparing the said by-law and this agreement and the taking of the said vote and the obtaining of the said Act, and all other expenses in connection with the said matters.

And the said corporation hereby covenant and agree with the said company in manner following, that is to say : That they will pay the cost of the said land at the rate of \$100.00 per acre, and not exceeding in the whole the sum of \$495.00, by two equal annual instalments, and will pay interest on the second instalment at the rate of six per centum per annum ;

And the said corporation also covenant that they will guarantee the said bonds or debentures of the said company, not exceeding in all the sum of \$20,000.00 (twenty thousand dollars), with interest at the rate of four per cent per annum, which shall be repayable in twenty equal annual instalments of principal and interest, and which guarantee shall be placed or put on each bond or debenture, and shall state that the holders of the

same



same shall lose their remedy or claim thereon against the said corporation unless within one year from the same becoming due and payable, they take the proper legal steps to compel payment thereof by the said company, but the said guarantee is not to be entered into and given until the said company have satisfied the municipal council of the said corporation that they have actually paid the said sum of \$30,000.00 for the said buildings, machinery and plant, and have insured the same for the said sum of \$25,000;

And the said corporation hereby covenant that they will exempt the said land, buildings (not including residences), plant and other personal property of the said company from payment of all taxes and rates assessable by the said corporation for any purpose whatsoever (other than school taxes and local improvements) for a period of ten years from the 31st day of December, 1899, provided that the said Company shall have so long carried on their pork packing business.

And it is mutually agreed that unless the Legislature of the Province of Ontario pass the said Act legalizing the said By-law, that this agreement shall become null and void, except as to the payment by the said company of all expenses in connection with the matters aforesaid as hereinbefore provided.

In witness whereof the president and secretary of the said company have signed their names and affixed the corporate seal of the said company hereto, and the Mayor and Clerk of the said corporation have signed their names and affixed the corporate seal of the said town hereto the day and year first above written.

Signed, Sealed and Delivered  
in the presence of

(Sgd.) W. D. EBBELS.

{	(Sgd.) S. M. HENRY,	
	Mayor.	[L.S.]
	(Sgd.) A. J. STEWART,	
	Town Clerk.	
{	(Sgd.) JOSHUA HOWES,	
	President.	[L.S.]
{	(Sgd.) W. D. McLELLAN,	
	Secretary.	

## CHAPTER 72

## An Act respecting the Town of Kincardine.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the Town of Kincardine has by petition represented that the said corporation being desirous of aiding a packing industry in the said town did approve of and submit to the ratepayers of the said town, a by-law intituled "A by-law to provide for the making of an annual grant of sixty dollars (by way of bonus) to Henry Coleman, of the Town of Kincardine, Packer, for the nine years next immediately following the first day of January, 1900, on his extending and maintaining in the said town during each year of the said period, an establishment for the curing and packing of pork and meat and for other purposes"; and whereas it is further represented that there is no other similar industry within the limits of the said corporation; and whereas, the said by-law when submitted to a vote of the ratepayers entitled to vote thereon, was approved of by a large majority of the said ratepayers voting thereon, and a majority of those ratepayers (who although entitled) did not vote on the said by-law, have since duly declared their assent thereto, and that had they voted at all they would have done so in favour of the said by-law, and whereas with the majority of the said ratepayers who voted on said by-law, and those who have since, by their declaration, assented thereto, a majority of two-thirds of all the qualified electors (within the municipality) have assented to the passing of the said by-law; and whereas the said corporation has prayed that power may be given them to pass the said by-law, and that after the same is finally passed by the municipal council of the said corporation, it may be declared to be legal and valid, and whereas no opposition has been offered by or on behalf of any ratepayer or otherwise to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. It shall be lawful for the Municipal Corporation of the Town of Kincardine to pass the said by-law, which is set out in Schedule A to this Act, and upon the said by-law being finally passed by the municipal council of the said corporation, the same shall be confirmed and declared to be legal, valid and binding

Power to pass by-law granting a sum to Coleman's packing business.

binding on the said corporation and the ratepayers thereof, any want of jurisdiction, or defect in form or substance or in the manner of passing the same or any thing in any Act to the contrary notwithstanding.

Power to take  
security for  
carrying out  
of by-law

2. The said corporation shall be and is hereby empowered to enter into such agreement or agreements and to take such securities as may by the said municipal council be deemed advisable, for the due carrying out of the terms and conditions mentioned in said by-law.

## SCHEDULE A.

### *By-law No.—.*

A By-law to provide for the making of an annual grant of sixty dollars (by way of bonus) to Henry Coleman of the Town of Kincardine, Packer, for nine years next immediately following the first day of January, 1900, on his extending and maintaining in said town during each year of said period, an establishment for the curing and packing of pork and meat and for other purposes.

Whereas, the said Henry Coleman has established on lot number 8, on the south side of Durham Market Square, in said town, an establishment for the purpose of curing and packing pork and other meats, and for the manufacture of fertilizers, and proposes to enlarge and maintain the same, and from time to time and at all proper times during the period of at least nine years from the first day of January, 1900, to employ and keep employed at least five men in carrying on the said business.

And whereas, the municipal council of the corporation of the said town of Kincardine have resolved that for the promotion of the said manufacturing industry within the said town, and that it is advisable and expedient and they have consented (should this by-law be approved of by the Legislature of the Province of Ontario) to grant to the said Henry Coleman, his successors and assigns, the said annual grant of sixty dollars for the purposes aforesaid, and on the express condition that he, or they, do employ, and keep employed, at all reasonable and proper times during the said period at least five men in carrying on the said industry in said town.

And whereas, the whole rateable property of the said municipality according to the last revised assessment roll is \$641,788.00.

And whereas, the existing debenture debt of the said municipality is \$75,210.91, and no part of the principal thereof or of the interest thereon is in arrear.

And whereas, it will be requisite to raise by a special rate on all the rateable property in the municipality the said sum of sixty dollars; be it therefore and it is hereby, by the municipal council of the town of Kincardine, enacted as follows:

(1) That it shall be lawful for the municipal council of the town of Kincardine during and for the years 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907 and 1908 to impose and raise by a special rate sufficient therefor the said sum of sixty dollars, and to pay the same to the said Henry Coleman, or his successors and assigns, annually on the 31st day of December in each



of the nine years, commencing on the 31st day of December, 1900 ; provided, however, and on the express condition that he, or they, do continue and maintain the said industry in said town, and employ, and keep employed, at all reasonable and proper times throughout each year during the said period of nine years at least five men in carrying on said business in the said town of Kincardine.

(2) That this by-law shall take effect on the fifteenth day of January, A.D. 1900.

(3) That the votes of the electors of the municipality shall be taken on this by-law on Monday, the first day of January, 1900, commencing at 9 o'clock in the forenoon and continuing until 5 o'clock in the afternoon of the same day, and at the following places (being the places at which the municipal elections will be held), and the following named persons shall respectively be returning officers to take the said vote, namely : In St. Andrew's Ward, at the council chamber in the Town Hall, Alexander Campbell, deputy returning officer ; St. Patrick's Ward, at Carleton & Baynes' office on the west side of Queen street, H. T. Hurdon, deputy returning officer ; St. John's Ward, at the frame building on east side of Queen street, formerly known as the "Albion Hotel," Ira J. Fisher, deputy returning officer ; St. George's Ward, in frame office on west side of Queen street, adjoining (on the south side) Russell's livery stable, J. H. Fleming, deputy returning officer.

(4) On Tuesday, the 26th day of December, 1899, the mayor shall attend at the said council chamber, at 12 o'clock noon, for the appointment of persons to attend at the different polling places and at the final summing up of the votes by the town clerk respectively, on behalf of the persons interested in and promoting or opposing the passing of the said by-law.

(5) The clerk of the said town shall attend at the said council chamber on Tuesday, the 2nd day of January, A.D. 1900, at 12 o'clock noon, and sum up the number of votes given for and against the by-law.

Passed in open council this                      day of                      A.D. 1900.

Town Clerk.

Mayor

## CHAPTER 73

## An Act respecting the Town of Leamington.

*Assented to 30th April, 1900.*

## Preamble.

**W**HEREAS, the Municipal Corporation of the Town of Leamington and the Municipal Corporation of the County of Essex have by petition represented that the said municipal corporations have entered into an agreement, whereby the Municipal Corporation of the Town of Leamington has agreed to furnish, upon the terms contained in the said agreement, natural gas, water and light to the House of Refuge and Industry, about to be erected by the Municipal Corporation of the County of Essex, which said agreement bears date the 19th day of January, 1900, and a copy whereof is contained in schedule "A" to this Act; and whereas a by-law has been passed by the municipal council of the Town of Leamington, being By-law No. 239, intituled "A By-law to adopt and confirm the terms and conditions of a certain agreement made between the Municipal Corporation of the Town of Leamington and the Municipal Corporation of the County of Essex, bearing date the 19th day of January, 1900, and to authorize the execution of the same," adopting said agreement and authorizing the Mayor and Clerk to sign the same and affix the corporate seal thereto, a copy of which said by-law is contained in schedule "B" to this Act; and whereas doubts have arisen as to the power and authority of the Corporation of the Town of Leamington to enter into the said agreement and pass the said by-law and the Corporation of the Town of Leamington and the Corporation of the County of Essex have by their petition prayed that an Act may be passed to legalize, ratify, confirm and declare binding the said agreement upon the said corporation and to legalize, ratify and confirm By-law No. 239 of the Town of Leamington; and whereas the Corporation of the Town of Leamington has, by petition represented that it is desirous of obtaining the power and authority to supply natural gas to any person or persons upon whatever terms may be deemed expedient by the Corporation of the said Town of Leamington; and whereas the said Corporation of the Town of Leamington has by petition prayed that an Act may be passed authorizing and empowering the Corporation of the Town of Leamington to supply natural gas to any person or persons at such rates as may be deemed expedient by the said corporation; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement bearing date the 19th day of January, 1900, made between the Municipal Corporation of the Town of Leamington and the Municipal Corporation of the County of Essex which is set forth in schedule "A" to this Act is hereby ratified, confirmed and declared to be legal and valid and to be binding upon the parties thereto.

Agreement with county of Essex confirmed.

2. By-law No. 239 of the Town of Leamington, intituled as in the preamble to this Act, and set out in Schedule "B" to this Act is hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the Town of Leamington.

By-law No. 239 adopting agreement confirmed.

3. The Corporation of the Town of Leamington shall have power and authority to make and carry out any agreement to supply natural gas to any person or persons, whether resident within or without the municipality of the Town of Leamington, but not to extend beyond the limits of the Township of Mersea, upon such special terms as the municipal council of the Corporation of the Town of Leamington may, from time to time, deem expedient, and the Corporation of the Town of Leamington may exercise all other powers necessary to the carrying out of any agreement that the Council of the Corporation of the Town of Leamington may enter into with such person or persons, and such agreement or agreements may be for a term of years or otherwise as may be agreed upon.

Supplying natural gas.

## SCHEDULE A.

### (Section 1.)

Memorandum of agreement made in triplicate this 19th day of January, 1900, between the municipal corporation of the town of Leamington, hereinafter called the town, of the first part, and the municipal corporation of the county of Essex, hereinafter called the county, of the second part.

Whereas the said county is about to erect a House of Refuge on lands lying adjacent to the said town, and being part of lot number 242, north of Talbot road, in the township of Mersea, in the county of Essex;

And whereas it is deemed advisable by the municipal council of the said town to assist in the maintenance of the said House of Refuge in the manner hereinafter specified in consideration of it being erected on said premises;

Now therefore this agreement witnesseth, in consideration of the premises and of the sum of one dollar now paid by the said county to the said town, the said town hereby agrees to lay and keep in repair a sufficiently large main from its natural gas system to a point in the said Talbot road adjacent to said lot number 242, to be designated by the said county or its officers, for the purpose of supplying the said House of Refuge with natural gas from its natural gas system, said pipe to be laid when required by the said county and its officers.

And the said town agrees that the said town may freely and lawfully and without hindrance or molestation from the said town, its servants, agents or workmen, but in a workmanlike manner pipe from the said main on Talbot street whatever natural gas is required for fuel in the said House of Refuge, so long as the said town supplies natural gas to the citizens of said town for domestic use.

And



And it is further agreed that the town will lay and maintain a four-inch main from the water-works system of the said town to a point on Talbot street adjacent to said lot 242, to be designated by the said county and its officers for the purpose of supplying the said House of Refuge with water.

And it is agreed that the said county may freely and lawfully and without molestation or hindrance from the said town or its servants, agents or workmen but in a workmanlike manner, pipe from the said main on Talbot street whatever water is required for all purposes of the said House of Refuge and its inmates and for the protection of the House of Refuge and other buildings from fire.

And the said town further agrees to pay for the continuous operation by the Leamington Electric Light Company, Limited, or by some equally competent company of sufficient incandescent electric lights to light the said House of Refuge for the period of five years from the date of the placing of the said lights in said House of Refuge,

In witness whereof the presiding officers and clerks of the said corporation have hereunto signed the names of the said corporations and signed their names and affixed the seals of the said corporations.

Signed, sealed and delivered

in presence of  
(Sd) A. T. BOLES.

(Sd) P. H. HUGHES,

Mayor.

(Sd) W. C. COULSON,

Clerk.

Corporate seal of town of Leamington.

(Sd) J. D. A. DEZIEL,

Warden.

(Sd) THOS. MCKEE,

Clerk.

Corporate seal of county of Essex.

## SCHEDULE B.

(Section 2.)

By-LAW No. 230.

A by-law to adopt and confirm the terms and conditions of a certain agreement made between the municipal corporation of the town of Leamington and the municipal corporation of the county of Essex bearing date the 19th day of January, 1900, and to authorize the execution of the same.

Whereas it has been deemed advisable by the municipal corporation of the town of Leamington to enter into an agreement with the municipal corporation of the county of Essex for the purpose of assisting in the maintenance of the House of Refuge about to be erected by the said municipal corporation of the county of Essex, the terms of which agreement are contained in the document hereto annexed and to provide for the execution of the said agreement.

Be it therefore enacted by the municipal council of the corporation of the town of Leamington that the terms and conditions of the agreement between the corporation of the town of Leamington and the corporation of the county of Essex as they appear upon the document hereto annexed bearing date the 19th day of January, 1900, be and the same are hereby accepted and agreed to by the said municipal corporation of the town of Leamington.

2. That the mayor and clerk of the town of Leamington be and they are hereby authorized and instructed to execute the said agreement in said terms on behalf of the said municipal corporation of the town of Leamington and to affix the corporate seal of the said corporation of Leamington to said agreement.

Passed in open council this 19th day of January, 1900.

P. H. HUGHES,

Mayor.

W. C. COULSON,  
Clerk.

Corporate seal.

## CHAPTER 74

## An Act respecting the Town of Lindsay and the Lindsay Waterworks.

*Assented to 30th April, 1900.*

**W**HEREAS The Municipal Corporation of the Town of Lindsay has by petition represented that the said corporation has entered into an agreement with the Lindsay Waterworks Company, dated the 5th day of December, A.D. 1899, for the purchase of their waterworks and all property and appliances used in connection therewith and water franchise, at the price or sum of \$75,000 payable in debentures with interest at three and one-half per cent. per annum as therein mentioned, which said agreement is set out in schedule A hereto, and that a by-law affirming the expediency of purchasing the said waterworks, ratifying and confirming the said agreement, and providing for the management of said waterworks by a board of four commissioners to be composed of the mayor and three commissioners, to hold office for three years, one to retire each year, was submitted to a vote of the ratepayers at the last municipal elections and carried by a large majority, and that the said corporation has passed a by-law, No. 881, set out in schedule B hereto, providing for the issuing of the said debentures and carrying out of the said agreement; and whereas the said corporation has by said petition prayed that the said agreement and by-law set forth in schedules A and B hereto may be ratified and confirmed and provision made for the management of the said waterworks by a board of four commissioners, and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said agreement made between the Lindsay Waterworks Company and The Municipal Corporation of the Town of Lindsay, dated 5th December, A.D. 1899, set out in schedule A hereto, and the said by-law, No. 881, set out in schedule B hereto, are hereby ratified and confirmed and declared to be legal, valid and binding on the Corporation, and the ratepayers thereof, notwithstanding anything in any Act to the contrary, and the said corporation is hereby authorized and empowered to issue debentures as provided for by said by-law and to carry out said purchase.

Agreement  
between town  
and Water-  
works Co.  
confirmed.

Debentures  
to be charged  
on water-  
works.

2. The said waterworks so purchased and all lands and property appertaining thereto or used in connection therewith, and all extensions or additions thereto and improvements thereof, shall be and the same are hereby charged with the re-payment of the said debentures to be issued under the said by-law and the interest thereon, which debentures are to be called waterworks debentures, and the holders of such waterworks debentures shall have a preferential charge on the said waterworks and property as aforesaid for securing payment of the said waterworks debentures and interest. It is hereby declared that the said waterworks debentures shall form no part of the general debt of the Town of Lindsay and it shall not be necessary to recite the amount thereof in any by-law for borrowing money on the credit of the town; but the corporation shall nevertheless be liable for the said debentures and interest thereon in accordance with the said agreement and by-law.

Application  
of Rev. Stat.  
c. 235.

3. *The Municipal Waterworks Act* shall apply to the said water works when purchased, and the same shall be managed by a Board of four Commissioners who shall have all the powers, rights, authorities and immunities as provided by said Act, and it shall not be necessary to submit any by-law for that purpose to a vote of the ratepayers, they having already voted their approval thereof.

Waterworks  
commission,  
how com-  
posed.

4. The Mayor of the Town of Lindsay shall *ex officio* be one of the Commissioners, and the other three shall be elected as provided by *The Municipal Waterworks Act*, except that each of the said elected Commissioners save as provided in section 5 with respect to the first election shall continue in office for three years and until his successor has been elected, and after the first election one Commissioner shall be elected annually at the same time and in the same manner as the Mayor.

Election of  
commis-  
sioners.

5. The Corporation shall forthwith after the passing of this Act pass a by-law and fix a time and provide for the first election of Commissioners, and the election shall proceed and take place in the same manner as the election of a Mayor, except that each elector may vote for three Commissioners, and all the provisions of *The Municipal Act* in reference to elections for mayors shall apply thereto, and the Commissioner elected having the lowest number of votes shall retire at the next annual municipal election, and the one having the second lowest number of votes shall retire at the second annual election, and thereafter the Commissioners shall retire in rotation. In the event of the first three Commissioners being elected by acclamation, the Board of Commissioners shall at their first meeting determine by lot the order in which they shall retire respectively, and in case of a vacancy from any cause or causes occurring at any time on the board, the municipal council of  
the



the said Town may, by by-law, appoint a Commissioner to hold office until the next annual election, when a new Commissioner shall be elected to fill the said vacancy, who shall hold office for the residue of the term of the Commissioner whose seat during the previous year had become vacant, and the election to fill such vacancy shall be a separate election from the election of the commissioner then to be elected for three years.

6. This Act may be cited as "*The Lindsay Waterworks* Short title. Act, 1900."

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### SCHEDULE A.

Memorandum of Agreement made this fifth day of December, A.D. 1899, between the Lindsay Waterworks Company, hereinafter called the company, of the first part, and the corporation of the town of Lindsay, of the second part.

Whereas, the town are desirous of purchasing the waterworks of the company in the town of Lindsay, and all their property used in connection therewith, and under the Statute in that behalf and under two certain agreements with the company, dated respectfully the thirtieth day of April, A.D., 1892, and the nineteenth day of November A.D., 1895, the town have the right to purchase the same at a price to be fixed by arbitration.

And whereas, under the statute it is also provided that the council and the company may, if they think fit, agree as to the amount to be paid for the works and property of the company.

And whereas, the council and the company have agreed upon the sum of \$75,000 as the amount to be paid by the town to the company for their works and property and appliances and water franchise hereinafter mentioned, on the terms hereinafter mentioned.

Now this indenture witnesseth that the said parties hereby mutually covenant, promise and agree to and with each other and their respective successors and assigns as follows :

1. The company hereby agree to sell to the town, and the town hereby agree to purchase from the company the waterworks of the company in the town of Lindsay and all their property used in connection therewith, at the price or sum of seventy-five thousand dollars, which is hereby fixed as the price to be paid therefor under the statute and agreements between the town and the company, without going to arbitration to settle the same. It being understood and agreed that the town are to receive all the company's real estate, waterworks, stand pipe, mains, hydrants, pumps, boilers, engines, plant, machinery, appliances, diving suit, tapping machine, tools and all other property and apparatus used in connection with the waterworks. And also all plans, drawings, and other papers showing the description and location of the works, also such of their books as may be necessary for the town to assist them in carrying on the works, including the water register and meter register. Also the right to use the water from the river Scugog for the purpose of the works, which right the company are to obtain from the Flavell Milling Company, Limited, at their own expense.

2. The company are to retain possession of the works up to and inclusive of the thirtieth day of June, 1900, and are to maintain and operate the same and receive all water rates and revenues up to that date. It being understood that the rates known as lawn rates, for service from 1st of May to 1st October, are to be apportioned two-fifths to the company and three-fifths to the town, and the company agree to account to the town for their proportion of any such rates collected by them. This is,

however

however, not to apply to the rates for lawn service included in the flat rate for house service, which are collected half-yearly.

3. The said sum of \$75,000 to be paid in debentures of the town with interest at three and one-half per cent., payable half-yearly on the first day of January and July in each year, dating from the first day of July A.D., 1900, such debentures to be in such amounts not less than one hundred dollars as the company may require, and to bear interest only for the first ten years, and afterwards to be payable in thirty years in instalments so that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years, such debentures to be known as waterworks debentures and to be made a first charge upon said waterworks and all property appertaining thereto or used in connection therewith and all extensions and improvements thereof; such debentures and coupons attached thereto for interest to be expressed in sterling money of Great Britain or currency of Canada and to be made payable at the bank of Montreal or town Treasurer's office in the town of Lindsay, as the company may desire.

4. The Company agree to make all necessary repairs and deliver the works in as good condition as they are now, upon the thirtieth day of June next, upon receiving the consideration hereby provided for, the town to be at liberty to make any extensions or improvements that they may see fit, and for that purpose shall be entitled to the services of the company's superintendent or manager, upon paying the company a reasonable compensation thereof. The town also agree to pay the company all expenditure they may make upon capital account after the first day of January, 1900, in putting in service to the street line, meters and such like matters, and also for all coal and supplies on hand when delivered over with the said works.

5. This agreement is conditional upon the same being approved of by the rate-payers of the town of Lindsay in a by-law to be submitted to them at the next municipal elections in January next.

6. In the event of the approval of the electors being obtained, the town agree to pass a by-law authorizing the issue of said debentures and to apply to the Legislative Assembly of the Province of Ontario at its next session, for a special Act ratifying and confirming this agreement and the by-law authorizing the issue of said debentures, which are to be incorporated in said Act.

7. The said debentures are to be delivered to the Company upon their giving the town a proper conveyance of all the aforesaid property, in good condition and proper repair as aforesaid, free from encumbrance, and giving them possession thereof.

8. In the event of the town failing to obtain the consent of the rate-payers to said by-law, or failing to obtain said special Act, this agreement shall be null and void, except that the town shall pay to the Company their disbursements, which are hereby fixed at the sum of one hundred dollars.

In witness whereof the President of the said the Lindsay Waterworks Company has hereunto set his hand and affixed the corporate seal of said Company, and the mayor of the said the corporation of the town of Lindsay has hereunto set his hand and affixed the corporate seal of said corporation.

Signed, sealed and delivered in the presence of	}	For The Lindsay Waterworks Co.,	
By The Lindsay Waterworks Co.,		G. H. HOPKINS, Pres't.	
M. E. SHERRIFF.	}	For the Town of Lindsay,	
By the Town of Lindsay,			THOS. WALTERS,
G. H. KNOWLSON.			Mayor

## SCHEDULE B.

## BY-LAW No. 881.

A BY-LAW TO AUTHORIZE THE ISSUE OF DEBENTURES FOR \$75,000  
TO PURCHASE THE LINDSAY WATERWORKS.

Whereas, by agreement dated the 5th day of December, A.D. 1899, the town of Lindsay agreed with The Lindsay Waterworks Company for the purchase of their waterworks and all property and appliances used in connection therewith and water franchise, at or for the price or sum of \$75,000, payable in debentures with interest at three and one-half per cent., payable half-yearly as therein mentioned.

And whereas, by by-law No. 878, approved of by the ratepayers on the 1st January, 1900, and finally passed on the 8th day of January, 1900, it was enacted that it was expedient in the interest of the town to acquire the said waterworks on the terms and conditions mentioned in said agreement, and the said agreement was thereby ratified and confirmed, and the council authorized to pass all necessary by-laws to issue said debentures and carry out said agreement.

And whereas, for the purpose aforesaid, it is necessary to create a debt of \$75,000 and to issue debentures therefor in manner hereinafter mentioned.

And whereas, it is provided by said agreement, and this municipality has resolved, that the said debentures shall bear interest at the rate of three and one-half per cent. per annum, payable half yearly, and that the interest thereon only shall be payable for the first ten years, and thereafter the said debentures shall be payable in thirty years in instalments with interest at the rate aforesaid, so that such instalments shall be such that the aggregate amount payable for principal and interest during any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of thirty years.

And whereas it will be necessary to raise the sum of \$2,625 annually by a special rate sufficient therefor during the first term of ten years for the payment of the interest on the said debt, and to raise the sum of \$4,078.62 annually by a special rate sufficient therefor afterwards during the term of thirty years for the payment of the said debt and interest in instalments, according to the terms of this By-law.

And whereas the amount of the whole rateable property of the town of Lindsay, according to the last revised assessment roll, is \$1,914,625.

And whereas the amount of the existing debenture debt of the town of Lindsay is \$211,229.15, to meet which there is now on hand on deposit and sinking fund the sum of \$42,382.88, leaving a net debenture debt of \$168,846.27, and there is no part of the principal or interest of the said debt in arrear.

Therefore the Municipal Council of the corporation of the town of Lindsay enacts as follows:—

1. That for the purposes aforesaid it shall be lawful for the Mayor of the said corporation, and he is hereby authorized and required to cause debentures of the said town of Lindsay to be made, executed and issued to the amount of \$75,000.00 in sums of not less than \$100, payable in annual instalments on the first day of July in each year for thirty years, for the following amounts for the following years respectively, that is to say:—

1911, \$1,450; 1912, \$1,500; 1913, \$1,550; 1914, \$1,600; 1915, \$1,650; 1916, \$1,750; 1917, \$1,800; 1918, \$1,850; 1919, \$1,900; 1920, \$1,950; 1921, \$2,050; 1922, \$2,150; 1923, \$2,200; 1924, \$2,250; 1925, \$2,350; 1926, \$2,450; 1927, \$2,500; 1928, \$2,600; 1929, \$2,700; 1930, \$2,800; 1931, \$2,900; 1932, \$3,000; 1933, \$3,100; 1934, \$3,200; 1935, \$3,300; 1936, \$3,450; 1937, \$3,550; 1938, \$3,700; 1939, \$3,800; 1940, \$3,950.

2. That the said debentures shall bear interest at the rate of three and one-half per cent. per annum, payable half-yearly on the first days of

January



January and July in each year, and shall have coupons attached for the payment of interest, and the debentures and coupons may be expressed in sterling money of Great Britain or currency of Canada, and shall be made payable at the Bank of Montreal or town treasurer's office in the town of Lindsay, as the Lindsay Waterworks Company may require.

3. That there shall be raised and levied in each year for the first ten years the sum of \$2,625 for the payment of the interest on the said debentures, by a special rate sufficient therefor on all the rateable property in the municipality of the town of Lindsay, and there shall be raised and levied in each year for the year 1911 and twenty-nine years following for the payment of the said debt and interest and debentures issued therefor, the sum of \$4,078.62 by a special rate sufficient therefor on all the rateable property in the municipality of the town of Lindsay, the same being sufficient to discharge the several yearly sums of principal and interest accruing due as the said yearly sums become respectively payable according to the terms of this by-law. Provided that the corporation may deduct from said sum in any year any surplus revenue from the said waterworks which they may have on hand and raise the balance only of said sum in that year by special rate, in which case said surplus revenue shall be applied in payment of said debentures and interest thereon.

4. That the said debentures shall be known and marked as Waterworks Debentures, and shall be a first lien and charge upon the said waterworks and all property appertaining thereto or used in connection therewith and all extensions and improvements thereof.

5. This by-law shall come into force and take effect upon the same being ratified and confirmed by the Legislature of the Province of Ontario.

Read a first and second time 5th February, 1900 and passed in council this twelfth day of February, A.D. 1900.

F. KNOWLSON,  
Clerk.

R. SMYTH,  
Mayor.

Corporate seal  
of the  
town of Lindsay.

## CHAPTER 75

### An Act respecting the Town of Listowel.

*Assented to 30th April, 1900.*

Preamble.

**W**HEREAS The Municipal Corporation of the Town of Listowel has by its petition represented that owing to the destruction by fire of a large furniture factory in said municipality a large number of mechanics and workmen formerly employed in connection therewith have procured situations in the United States and elsewhere, many of whom own property in said town; and others who are not property owners are desirous of returning and resuming their former occupations, and it is deemed expedient by the said corporation to grant aid by way of a loan of ten thousand dollars to a joint stock company to enable said company to erect, equip, and run a furniture factory as in the said petition set forth, and to grant certain exemptions from taxation, and for the purposes aforesaid the municipal council of the said corporation has provisionally

visionally passed a by-law numbered 363 of the said Corporation and has submitted the same to a vote of the ratepayers of said municipality, the majority of whom have duly voted for the same which majority together with those who have since by petition declared their assent to the said by-law, but who for various reasons did not vote either for or against the said by-law amounts to more than two-thirds of the ratepayers of the said town qualified to vote on money by-laws and has provisionally entered into a certain agreement with the promoters of the said proposed company in respect of the granting of aid thereto as above mentioned; and whereas the said Corporation has by its petition prayed that an Act may be passed to legalize and confirm the said by-law enabling and empowering the said Corporation to enter into the said proposed agreement and to raise the said sum of money on the credit of the debentures of the municipality for the purposes aforesaid; and whereas true copies of the said by-law and agreement respectively are set out as schedules "A" and "B" to this Act; and whereas there is no other similar industry carrying on business in the said Town of Listowel; and whereas there is no opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. It shall be lawful for the Municipal Corporation of the Town of Listowel to finally pass said by-law, and execute said agreement and grant aid by way of loan to a company to be known as the Listowel Furniture Company Limited or to the proposed company under whatever name the same shall be incorporated to an amount not exceeding in the aggregate the sum of ten thousand dollars pursuant to said By-law and agreement when duly executed and to issue debentures for the purposes aforesaid.

Authority to pass by-law and execute agreements.

2. The said by-law and agreement shall be confirmed and declared to be legal, valid and binding on the said Corporation and the ratepayers thereof and on the said Company, its successors and assigns and it shall be lawful for the said corporation to advance the said monies when raised and apply the same pursuant to the said by-law and agreement.

By-law and agreement to stand confirmed and legalized.

### SCHEDULE A.

#### BY-LAW NO. 363, OF THE TOWN OF LISTOWEL.

A by-law to authorize the town of Listowel to borrow upon its debentures the sum of ten thousand (\$10,000.00) dollars for the purpose of assisting by way of loan the industry of the manufacture of furniture in the said town.

Whereas, the said town has been and is recognized as a manufacturing centre for furniture.

And

And whereas, owing to the destruction by fire of the factory known as the Hess factory, a large number of mechanics and workmen formerly employed in connection therewith have left town to procure employment in the United States and elsewhere.

And whereas many of the said mechanics and workmen still own property in the said town and are desirous of returning and resuming their former occupations.

And whereas a joint stock company for the manufacture of furniture in Listowel is being organized with a capital stock of twenty-five thousand (\$25,000) dollars, of which fifteen thousand dollars is to be subscribed and called in by and from promoters and citizens of the said town, and of which \$12,500.00 has already been subscribed.

And whereas the promoters of the said proposed company, namely, Andrew Foersch, Murdoch McDuff Fleming and William H. Wiles have applied to the corporation of the said town for aid by way of loan of the sum of ten thousand (\$10,000 00) dollars to the said company for the purpose aforesaid, which sum is to be secured in the manner set forth in a certain indenture or agreement provisionally entered into by the said parties with the corporation of the said town, a copy of which agreement is hereunder written.

And whereas it is expedient in the opinion of the municipal council of the said town to develop the said industry in Listowel, and to aid the same in the manner set forth in said agreement.

And whereas it is necessary for this municipality to borrow for the said purpose the sum of ten thousand (\$10,000.00) dollars, and it is intended that the said sum shall be raised upon the debentures of this municipality and shall, together with the interest thereon, be repaid in twenty years from the date upon which this by-law is confirmed by the Legislature of Ontario, and in such sums annually as shall make the aggregate amount payable for principal and interest in any one of the said years of said term, equal to the aggregate amount payable for principal and interest in any other of said years of said term.

And whereas the amount required to be raised annually during said period upon all the rateable property of this municipality to meet said annual payments of principal and interest is the sum of \$736.00, of which the amount required for principal and the amount required for interest in each of said years are respectively set forth opposite the said years in the schedule hereunder written and marked "B."

And whereas the whole rateable property of the municipality, according to the last revised assessment roll, being for the year 1899, is valued for \$789,390.

And whereas the amount of the existing debenture debt for the said municipality is \$89,000, of which no sum is in arrear for principal and interest, and there is to the credit of the sinking fund to pay the same the sum of \$5,557.00.

Be it therefore enacted by the corporation of the town of Listowel, under and by virtue of *The Municipal Act* and all other Acts them thereunto enabling as follows:

1. It shall be lawful for this municipality to borrow upon its debentures the sum of ten thousand (\$10,000.00) dollars and to issue its debentures for the raising of the said sum, and the sum so borrowed shall be payable within twenty years from this by-law being confirmed by the Legislature of the Province of Ontario, and shall bear interest at four per cent. per annum upon the unpaid portion thereof, payable yearly.

2. There shall be repaid in each of the said years upon said loan, until the same has been fully paid off, commencing at the expiration of one year from the date of the confirmation of this by-law, and thereafter in each year throughout the said term, the amount set opposite the said year in schedule marked "B," hereunder written in the third column thereof, on account of the principal, and the amount set opposite the said year in the said schedule in the fourth column thereof for interest.

3. Separate debentures shall be issued for the total sum so payable both for principal and interest in each of said years, and no debenture shall be issued for any less sum than \$736, being the total amount so payable yearly.



4. For the purpose of paying off said debentures, there shall be raised annually during the said period, until the loan is paid off, upon all the rateable property in this municipality, the amount of principal and the amount of interest payable in each said year as set out in said schedule "B," which sum shall be levied by special rate upon the whole rateable property of the municipality.

5. All debentures required to raise said loan shall be issued and disposed of by the mayor of this municipality when and as directed by resolution of the municipal council thereof, and shall be payable at the office of the treasurer in Listowel.

6. The mayor and treasurer shall sign each of such debentures, and the clerk shall affix the corporate seal of the said municipality.

6. The votes of the ratepayers shall be taken on this by-law in the various wards of the municipality on Monday, the 12th day of March, A. D. 1900, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, during which interval the polls shall be and remain open and at the polling places hereinafter mentioned, and the person whose name is mentioned opposite to each such polling place shall be deputy returning officer for the same; and on Friday, the ninth day of March next, at the town hall, at the hour of 10 a. m., there shall be appointed persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing of the said by-law respectively.

Ward.	Polling place.	Deputy Returning Officer.
Bismark.....	Goddard's Shop.....	John Glen.
Lansdowne.....	Later's Shop.....	D. D. Campbell.
Dufferin.....	Seaman's Shop.....	Thos. Male.
Victoria.....	Squire's Shop.....	W. R. Clayton.
Gladstone.....	Town Hall.....	William Bright.

7. That William Bright, clerk of this municipality, shall be the returning officer and shall sum up the number of votes given for and against this by-law forthwith upon the closing of the poll and shall declare the result thereof upon the 13th day of March next at the hour of ten o'clock a. m. in the town hall in the said town of Listowel.

The municipal council by their proper officers in that behalf may execute such documents as may be necessary to fully ensure the carrying out of this agreement.

This by-law shall take affect and come into operation from and after the passing thereof and the confirmation by the Legislature of the Province of Ontario during the first session thereof in the year 1900.

#### SCHEDULE B.

Showing the amounts to be raised yearly on the rateable property of the municipality and to be paid yearly for principal and interest under this by-law pursuant to the second and fourth paragraphs thereof.

1 No. of payment.	2 For the year.	3 Amount for principal.	4 Amount for interest.	5 Total amount for each year.
1	1901	\$336 00	\$400 00	\$736 00
2	1902	349 00	378 00	736 00
3	1903	363 00	373 00	736 00
4	1904	378 00	358 00	736 00
5	1905	393 00	343 00	736 00
6	1906	409 00	327 00	736 00
7	1907	425 00	311 00	736 00
8	1908	442 00	294 00	736 00
9	1909	460 00	276 00	736 00
10	1910	478 00	258 00	736 00
11	1911	497 00	239 00	736 00
12	1912	517 00	219 00	736 00
13	1913	538 00	198 00	736 00
14	1914	559 00	177 00	736 00
15	1915	582 00	154 00	736 00

1 No. of payment.	2 For the year.	3 Amount for principal.	4 Amount for interest	5 Total amount for each year.
16	1916	605 00	131 00	736 00
17	1917	629 00	107 00	736 00
18	1918	654 00	82 00	736 00
19	1919	681 00	55 00	736 00
20	1920	705 00	31 00	736 00
		<hr/> \$100,000 00	<hr/> \$4,720 00	<hr/> \$14,720 00

### SCHEDULE B.

Memorandum of agreement made in duplicate and entered into this thirteenth day of February, A.D., 1900, between Murdock McD. Fleming, merchant tailor, Andrew Forech, mechanic, both of the town of Listowel in the county of Perth and William H. Wiles of the town of Walkerton in the county of Bruce, furniture manufacturer, of the first part, and the corporation of the town of Listowel hereinafter called the corporation, of the second part.

Whereas the said parties of the first part are the promoters of a joint stock company to be called the Listowel Furniture Company (Limited) with a capital stock of twenty-five thousand dollars (\$25,000) in five hundred shares of fifty dollars (\$50) each.

And whereas there has been subscribed at this date to the stock of the said company the sum of twelve thousand five hundred and fifty (\$12,550) dollars of which the said parties of the first part have subscribed the sum of six thousand (\$6,000) dollars.

And whereas the said company is being promoted and organized upon the assumption that the said corporation will advance to the said company by way of loan the sum of ten thousand (\$10,000) dollars and provide free water such as is pumped through the mains and hydrants in accordance with the agreement entered into between A. Moyer & Co. and the corporation and grant certain tax exemptions for a certain term of years to be agreed upon.

And whereas the said corporation are about to submit a by-law to the ratepayers of the municipality of the town of Listowel to authorize the raising of the sum of ten thousand (\$10,000) dollars to be advanced by way of a loan to the said company when duly organized as hereinafter set forth.

And whereas in the event of the passing of the said by-law and the approval thereof by the legislature of the province of Ontario, it has been mutually agreed by and between the parties of the first part and the said corporation that the said advance or loan of ten thousand (\$10,000) dollars shall be handed over to the said Listowel Furniture Company in the manner, at the times, and subject to the terms, agreements and conditions hereinafter specified and set forth.

Now this agreement witnesseth that for and in consideration of the premises and the sum of ten thousand (\$10,000) dollars of lawful money of Canada well and truly paid by the corporation at the times and in the manner hereinafter set forth they, the said parties of the first part for themselves, and each of them for himself, his and their heirs, executors, and administrators do hereby promise and agree with the said corporation as follows: That they, the said parties of the first part, shall and will forthwith after the passing of the said by-law, if at once submitted, duly proceed with the organization and incorporation of the said company with a capital stock of twenty-five thousand (\$25,000) dollars, fifteen thousand dollars of which, including the promoters' subscription, shall be duly subscribed and called in monthly instalments at ten per cent., commencing one month after the legislature has assented to the Act legalizing said by law.

And the said parties of the first part do hereby further agree with the said corporation that they will procure and cause to be executed by the said Listowel Furniture Company (Limited) in favor of and deliver over to the said corporation before said corporation shall advance the said ten thousand (\$10,000) dollars or any part thereof for the purpose aforesaid, an agreement providing for the delivery to and giving of a mortgage upon the lands and premises, building, plant and machinery of the said company and of insurance policies to the full insurable value thereof by way of security for the said loan and interest thereon as hereinafter stipulated and said agreement shall be executed by the said company and the said corporation.

And the said parties of the first part do hereby for themselves and each of them for himself, his heirs, executors and administrators covenant and agree with the said corporation as follows :

That they shall and will before the submission of a by-law to the people for a vote authorising the raising by way of debentures of the said corporation the sum of ten thousand (\$10,000) dollars to be advanced by way of a loan to the said company deposit to the credit of the treasurer of the said corporation in a special account as an evidence of good faith and to ensure against preliminary expenses or loss owing to any default on their part of the part of any or either of them the sum of three hundred dollars to be released and returned to the said parties of the first part if the said by-law is defeated and in the event of the said parties of the first part being in default or failing to comply with this agreement in any essential particular after the by-law is carried by a vote of the ratepayers or authorized by legislation so that the same through their default as aforesaid shall not be duly completed by the carrying out of the covenants and conditions herein contained the said corporation shall and may apply the same sum of three hundred dollars or any part or portion thereof towards the payment of any sum or sums of money expended by the said corporation in the preparation of these agreements and by law incidental thereto and in making application to the legislature or in any other way incurred pursuant to these presents.

And the said parties of the first part further covenant in the manner aforesaid that they shall and will procure from the said company an agreement to be delivered over to the said corporation before the said ten thousand dollars or any portion thereof shall be advanced to the said company together with the said mortgage and insurance policies hereinbefore referred to for the proper safeguard of the interests of the said corporation and as security for the payment of the said loan and the said agreement shall in addition to any clause or clauses, covenants or conditions herein set forth also contain the following :

1. The said corporation shall in addition to the said advance of ten thousand dollars grant full exemption from taxes (except school taxes) for the period of ten years after the said company shall have commenced operations (said exemptions in any event to commence on the first day of January in the year A.D. 1901 (one thousand nine hundred and one) in the manufacture of furniture and for the same period shall furnish water such as is pumped through our mains and hydrants in accordance with agreements entered into between A. Moyer & Co. and the corporation for the purpose of the said company on their premises.

2. That the erection of the various buildings and the placing of the machinery and plant and the selection of the site for the said company's buildings shall be subject to approval of the council of the town of Listowel.

3. That the said sum of ten thousand dollars shall not bear interest until the expiration of five years from the date at which the same is fully advanced or paid out for the purposes aforesaid and at and from the expiration of the said five years it shall bear interest at four and a half (4½) per cent. payable yearly and the said company shall repay interest at the rate of four and a half per cent. per annum on such portion thereof as there is remaining unpaid until paid in full and the said sum of ten thousand dollars shall be repaid by the said company to the said corporation in consecutive yearly payments of five hundred dollars each together with accrued interest on all unpaid principal and all arrears of interest, such payments



payments of principal and interest to commence at the end of the ninth year after the said company shall have commenced active operations in the manufacture of furniture or after the said buildings, plant and machinery are completed and ready for such operations.

4. That the buildings to be erected upon such site as may be selected shall be constructed of brick and stone and shall not be less than two stories high and shall have a superficial area on the ground floor of not less than five thousand square feet, the whole to be constructed under the supervision of the company's architect jointly with such architect or inspector as the said corporation shall from time to time designate, and the said buildings shall be constructed in a good, substantial and workman-like manner, and shall be suitable in every respect to the requirements of a modern furniture factory.

5. The payment for insurance policies hereinbefore referred to by way of premiums or renewals shall be made by the said company.

6. That the said company will, while any portion of the said loan or interest remains unpaid, keep in good repair by way of a sinking fund each and every year all the said buildings, plant and machinery, and that they shall and will allow any person or persons not exceeding two, who may from time to time be appointed by the said corporation for that purpose, at all reasonable times to enter upon said premises and inspect the said buildings, plant and machinery and view the state of repair of the same, and that the company will repair upon notice, and that this covenant shall be construed in the same manner as though it were a covenant by a tenant to his landlord under a lease made in pursuance of *The Act respecting Short Forms of Leases*. and in default of repair according to the said notice that the said corporation may enter upon and take possession of the said lands, premises, messuages, buildings, plant and machinery in the same manner as though the said covenant had been contained in a lease pursuant to the said last mentioned Act.

7. That in the event of the said premises or any part thereof being being destroyed by fire or otherwise at any time during said term during which the said principal money or any part thereof remains unpaid the said company shall be allowed sufficient time to erect and shall erect similar buildings on the same site as those destroyed, and if destroyed by fire as soon as said buildings are in course of erection the said corporation shall hand over and pay to the said company as the work progresses such portions of the insurance moneys as shall have come to the hands of the said corporation in the same manner and proportions as may hereafter be agreed upon between the said company with the consent of the said corporation and the contractor or contractors who may be engaged to re-erect the said factory buildings.

8. That in the event of a fire and the re-erection of the buildings as aforesaid, new insurance policies upon the new buildings shall be procured and delivered to the said corporation to cover such interest as said corporation at such time may have in said premises by way of security to their said mortgage, and in the event of a fire in the said premises the company being unwilling to expend moneys received upon the insurance policies aforesaid in the erection or rebuilding of building destroyed or injured, the corporation may, if they so desire, employ the said moneys for the purposes aforesaid, or retain the same to apply upon their said mortgage security as to the said company may seem advisable.

9. That the said mortgage hereinbefore referred to shall be a mortgage made in pursuance of *The Act respecting Short Forms of Mortgages*, and shall, in addition to the covenants therein mentioned, contain such covenants as the corporation of the town of Listowel may deem necessary to amply secure the repayment of the said money and interest thereon so as to be advanced and to protect the said corporation against default or defaults of the said company, or the breach of any covenants or conditions herein or in said agreement or mortgage, and to provide for the acceleration of payment of the said moneys in case of any such default or defaults.

10. That the said company at any time after the expiration of five years from the commencement of operations of said company in the manufacture of furniture shall be entitled without notice or bonus to repay to the said corporation sums of one thousand (\$1,000.00) dollars and upwards on account

account of said principal money and interest, providing all interest in arrear shall be duly paid.

And the said corporation agrees to advance the said sum of (\$10,000.00) ten thousand dollars on the certificate of the architect or person designated by the corporation after his report to council, in meeting assembled, as the same may be required as the work or purchase and erection of buildings, land, plant and machinery for said company progresses, provided, however, that the said corporation shall have been legally authorized to raise and advance the said money by the Legislature.

In witness whereof the mayor and clerk of the said corporation have set their hands and official seal, and the other parties hereto have set their hands and seals the day and year first above written.

JOHN WATSON, Mayor.

WILLIAM BRIGHT, Clerk.

Signed, sealed and delivered  
in the presence of

[Corporation Seal.]

M. McD. FLEMING.

[Seal.]

ANDREW FOERCH.

[Seal.]

WILLIAM H. WILES.

[Seal.]

As to the signatures of M. McD. Fleming,  
Andrew Foerch and William H. Wiles,  
A. ST. GEO. HAWKINS.

## CHAPTER 76

### An Act respecting the City of London.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the City of London has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and where-as it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws of the Municipal Corporation of the City of London, specified in schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby confirmed and declared to be legal, valid and binding.

Confirmation  
of debenture  
by-laws.

2. The agreement bearing date the nineteenth day of February, A.D. 1900, made between the Corporation of the City of London of the first part, and The Canadian Packing Company of the second part, a true copy of which appears in schedule "B" to this Act, is hereby confirmed and declared to be legal and valid and binding.

Agreement  
with Packing  
Co. confirmed.

## SCHEDULE





and King streets, and on north side King street between Talbot street and a point distant 8.9-12 feet west of the east limit of Temple street .....	“	1,398 34	1,331 07	67 27	10	4
1340 Cement sidewalk on the south side of Simcoe street, between Richmond and Talbot streets .....	“	357 48	183 80	173 68	10	4
1341 Cement sidewalk on the west side of Richmond street, between Horton and Simcoe streets .....	“	258 61	136 70	121 91	10	4
1342 Cement sidewalk on the north side of York street, between Clarence and Wellington streets .....	“	524 55	295 44	229 11	10	4
1343 Cement sidewalk on the east side of Clarence street, between King and York streets .....	“	370 64	201 31	169 33	10	4
1344 Cement sidewalk on the east side of Richmond street, between Simcoe and Grey streets .....	“	261 87	140 17	121 70	10	4
1345 Cement sidewalk on the north side of Central avenue, between Talbot street and a point 290 feet westerly therefrom .....	“	212 31	121 49	90 82	10	4
1346 Cement sidewalk on the north side of Carling street, between Ridout street and a point 48 feet easterly therefrom .....	“	52 41	36 98	15 43	10	4
1347 Cement sidewalk on the north side of Mill street, between Talbot and St. George streets .....	“	371 18	211 76	159 42	10	4
1348 Cement sidewalk on the north side of Mill street, between Richmond and St. George streets .....	“	350 01	207 54	142 47	10	4
1349 Cement sidewalk on the south side of Kent street, between Talbot and Richmond streets .....	“	578 75	322 34	256 41	10	4
1350 Cement sidewalk on the south side of Mill street, between Richmond and St. George streets .....	“	341 73	185 79	155 94	10	4
1351 Cement sidewalk on the south side of Albert street, between Talbot and Richmond streets .....	“	734 24	408 79	325 45	10	4
1352 Cement sidewalk on the south side of Mount Pleasant avenue, between the Wharcliffe Road and Douglas avenue .....	“	720 25	383 09	337 16	10	4
1353 Cement sidewalk on the east side of Talbot street, between Albert street and Central avenue .....	“	334 89	242 26	72 63	10	4
1354 Cement sidewalk on the north side of St. James street, between Richmond and St. George streets .....	“	428 15	283 40	144 75	10	4
1355 Cement sidewalk on the west side of Talbot street, between Dundas and Carling streets .....	“	200 61	138 51	62 10	10	4
1356 Cement sidewalk on the north side of Sydenham street, between St. George and Richmond streets .....	“	351 56	222 05	129 51	10	4
1357 Cement sidewalk on the east side of St. George street, between Central avenue and John street .....	“	210 50	141 25	69 25	10	4



1372	between the Wharncliffe road and Edith street. Cement sidewalk on the east side of Ridout street, between Carling and Fullerton streets	253 06	139 53	118 53	10	4
1373	Cement sidewalk on the east side of St. Andrew street, between Em-press avenue and St. Patrick street	309 73	168 22	141 51	10	4
1374	Cement sidewalk on the east side of Ridout street, between Dundas and Carling streets	200 69	100 35	100 34	10	4
1375	Cement sidewalk on the east side of Talbot street, between Fullerton and Maple streets	183 97	115 66	68 31	10	4
1376	Cement sidewalk on the west side of Richmond street, between Ann and and Picadilly streets	302 98	162 49	140 49	10	4
1377	Cement sidewalk on the east side of Richmond street, between Hyman street and Central avenue	177 29	100 33	76 96	10	4
1378	Cement sidewalk on the north side of Dufferin avenue, between Richmond street and Park avenue	252 69	162 93	89 76	10	4
1379	Cement sidewalk on the west side of Ridout street, between Carling and Maple streets	547 43	303 83	243 60	10	4
1380	Cement sidewalk on the west side of Richmond street, between John and Mill streets	528 50	270 44	258 06	10	4
1381	Cement sidewalk on the north side of Sydenham, between Talbot and St. George streets	202 91	108 61	94 30	10	4
1382	Cement sidewalk on the south side of Dundas street, between Maitland and Burwell streets	353 09	201 46	151 63	10	4
1383	Cement sidewalk on the west side of William street, between Dundas and King streets	289 20	171 04	118 16	10	4
1384	Cement sidewalk on the west side of Colborne street, between King and Dundas streets	321 24	198 93	122 31	10	4
1385	Cement sidewalk on the east side of Maitland street, between Dundas and King streets	307 91	209 35	98 56	10	4
1386	Cement sidewalk on the south side of King street, between Waterloo and Colborne streets	311 80	191 51	120 29	10	4
1387	Cement sidewalk on the west side of Maitland street, between Dundas and King streets	536 58	391 67	144 91	10	4
1388	Cement sidewalk on the west side of Burwell street, between King and York streets	315 25	192 47	122 78	10	4
1389	Cement sidewalk on the east side of Maitland street, between King and York streets	237 26	162 48	74 78	10	4
1390	Cementsidewalk on the west side of Adelaide street, between King and Dundas streets	301 97	183 69	118 28	10	4
		285 16	180 68	104 48	10	4



## SCHEDULE A.—Continued.

No. of By-law.	Nature of work under By-law.	When passed by council.	Amount of debt created.		Amount to be borne by city.		Amount to be borne by ratepayers.		Period of time.	Rate of Interest.
			\$	c.	\$	c.	\$	c.		
1391	Cement sidewalk on the north side of Horton street, between Wellington and Waterloo streets .....	December 18, 1899	14	83	294	58	220	25	10	4
1392	Cement sidewalk on the north side of King street, between Waterloo and Colborne streets .....	"	537	13	304	27	232	86	10	4
1393	Cement sidewalk on the south side of Dundas street, between Wellington and Waterloo streets .....	"	552	18	318	78	233	40	10	4
1394	Cement sidewalk on the south side of Dundas street, between Waterloo and Colborne streets .....	"	563	48	326	80	236	68	10	4
1395	Cement sidewalk on the south side of Dundas street, between William and Adelaide streets .....	"	509	05	296	19	239	86	10	4
1396	Cement sidewalk on the south side of Dundas street, between Maitland and William streets .....	"	535	95	280	12	255	83	10	4
1397	Cement sidewalk on the south side of Dundas street, between Burwell and Colborne streets .....	"	252	51	156	26	96	55	10	4
1398	Cement sidewalk on the east side of Maitland street, between Horton and Simcoe streets .....	"	253	63	135	52	118	11	10	4
1399	Cement sidewalk on the west side of Waterloo street, between Simcoe and Grey streets .....	"	315	98	200	24	115	74	10	4
1400	Cement sidewalk on the east side of Wellington street, between Dundas and King streets .....	"	333	35	232	23	101	12	10	4
1401	Cement sidewalk on the west side of Maitland street, between Simcoe and Horton streets .....	"	252	24	135	36	116	88	10	4
1402	Cement sidewalk on the west side of Colborne street, between King and York streets .....	"	322	61	322	61	.....	.....	10	4
1403	Cement sidewalk on the north side of Dundas street, between Waterloo street and a point 494 feet westerly therefrom .....	"	688	96	385	46	303	50	10	4
1404	Mosaic Tile sidewalk on the south side of Central avenue, between	"								

1405	Colborne and Cartwright streets	“	231 93	138 70	93 23	10	4
	Cement sidewalk on the west side of Colborne street, between Princess and Central avenues.....	“	537 05	341 41	195 64	10	4
1406	Cement sidewalk on the south side of Queen's avenue, between Waterloo and Colborne streets.....	“	569 61	357 14	212 47	10	4
1407	Cement sidewalk on the east side of Picton street, between Queen's and Dufferin avenues.....	“	246 16	156 62	89 54	10	4
1408	Cement sidewalk on the south side of Queen's avenue, between Waterloo and Wellington streets.....	“	552 67	321 54	231 13	10	4
1409	Cement sidewalk on the south side of Dufferin avenue, between Waterloo and Colborne streets.....	“	634 13	400 31	233 82	10	4
1410	Cement sidewalk on the south side of Wolfe street, between Wellington and Waterloo streets.....	“	465 20	295 43	169 77	10	4
1411	Cement sidewalk on the north side of Wolfe street, between Wellington and Waterloo streets.....	“	464 25	300 84	163 41	10	4
1412	Cement sidewalk on the east side of Cartwright street, between Princess and Central avenues.....	“	374 68	223 44	151 24	10	4
1413	Cement sidewalk on the west side of Cartwright street, between Princess and Central avenues.....	“	365 18	216 31	148 87	10	4
1414	Cement sidewalk on the east side of Maidland street, between Queen's and Dufferin avenues.....	“	313 43	175 09	138 34	10	4
1415	Cement sidewalk on the east side of William street, between Queen's and Dufferin avenues.....	“	319 63	190 87	128 76	10	4
1416	Cement sidewalk on the west side of Colborne street, between Dundas street and Queen's avenue.....	“	314 61	196 71	117 50	10	4
1417	Cement sidewalk on the west side of Peter street, between Queen's and Dufferin avenues.....	“	283 71	183 55	100 16	10	4
1418	Cement sidewalk on the west side of Colborne street, between Pall Mall and Picadilly streets.....	“	571 21	327 81	243 40	10	4
1419	Cement sidewalk on north side of Central avenue, between Colborne and Maitland streets.....	“	559 28	318 25	241 03	10	4
1420	Cement sidewalk on the north side of Dundas street, between Colborne and Maitland streets.....	“	774 27	421 37	352 90	10	4
1421	Cement sidewalk on the north side of Queen's avenue, between Maitland and William streets.....	“	548 15	314 58	233 57	10	4
1422	Cement sidewalk on the east side of Wellington street, between Wolfe street and Princess avenue.....	“	311 86	188 44	123 42	10	4
1423	Cement sidewalk on the south side of Queen's avenue, between William and Adelaide streets.....	“	526 88	294 04	232 84	10	4

## SCHEDULE A.—Continued.

No. of By-Law.	Nature of work under By-Law.	When passed by Council.	Amount of debt created.		Amount to be borne by City.		Amount to be borne by Ratepayers.	Period of time.	Rate of interest.
			\$	c.	\$	c.			
1424	Cement sidewalk on the north side of Queen's avenue, between Adelaide and William streets . . . . .	December 18, 1899	547	26	308	07	239	19	4
1425	Cement sidewalk on the north side of Queen's avenue, between Waterloo and Colborne streets . . . . .	"	588	74	345	56	243	18	4
1426	Cement sidewalk on the north side of Dundas street, between William and Adelaide streets . . . . .	"	616	93	339	14	277	79	4
1427	Cement sidewalk on the north side of Dundas street, between Maitland and William streets . . . . .	"	745	44	406	27	339	17	4
1428	Cement sidewalk on the west side of Picton street, between Queen's and Dufferin avenues . . . . .	"	238	55	135	86	102	69	4
1429	Cement sidewalk on the south side of Central avenue, between Cartwright and Maitland streets . . . . .	"	280	76	170	23	110	53	4
1430	Cement sidewalk on the east side of Wellington street, between Central avenue and Wolfe street . . . . .	"	272	85	214	54	58	31	4
1431	Cement sidewalk on the west side of Waterloo street, between Hyman and Pall Mall streets . . . . .	"	265	01	158	88	106	13	4
1432	Cement sidewalk on the north side of Dufferin avenue, between Prospect avenue and William street . . . . .	"	387	81	225	23	162	58	4
1433	Cement sidewalk on the south side of Princess avenue, between Colborne and Cartwright streets . . . . .	"	309	60	223	60	86	00	4
1434	Cement sidewalk on the east side of Adelaide street, between Dundas street and Queen's avenue . . . . .	"	300	85	174	14	126	71	4
1435	Cement sidewalk on the north side of Dundas street, between the west side of Elizabeth street and 119½ feet westerly therefrom . . . . .	"	170	78	95	63	75	15	4
1436	Cement sidewalk on the west side of Elizabeth street, between Dundas street and Queen's avenue . . . . .	"	253	82	171	72	82	10	4
1437	Cement sidewalk on the west side of Rectory street, between King								



1438	and York streets	“	268 34	237 03	31 31	10	4
	Cement sidewalk on the south side of Queen's avenue, between Adelaide and Elizabeth streets	“	495 65	277 27	218 38	10	4
1439	Cement sidewalk on the north side of Dundas street, between English and Ontario streets	“	887 64	457 35	430 29	10	4
1440	Cement sidewalk on the south side of Dundas street, between Lyle and Glebe streets	“	878 15	193 63	184 52	10	4
1441	Cement sidewalk on east side of Rectory street, between King and Campbell streets	“	421 92	226 88	195 04	10	4
1442	Cement sidewalk on south side of Dundas street, between Rectory and Ontario streets	“	485 43	251 82	233 61	10	4
1443	Cement sidewalk on north side Dundas street, between a point 60 feet 3 inches east of the east side of Adelaide street and a point 157 feet easterly therefrom	“	226 82	118 41	113 41	10	4
1444	Cement sidewalk on north side of Dundas street, between Ontario and Quebec streets	“	642 00	330 97	311 03	10	4
1445	Cement sidewalk on south side King st., between Lyle and Glebe sts.	“	441 17	227 87	213 30	10	4
1446	Cement sidewalk on north side Craig street, between Ridout street and Wortley road	“	794 61	429 21	365 40	10	4
1447	Cement sidewalk on south side of Craig street, between Ridout street and Wortley road	“	741 41	401 27	340 14	.....	.....
1448	Cement sidewalk on north side of Evergreen avenue, between west limit of lot No. 13 and the Wharncliffe road	“	497 10	267 42	229 68	10	4
1449	Cement sidewalk on south side Elmwood avenue, between Wortley road and Cathcart street	“	435 47	248 78	186 69	10	4
1450	Cement sidewalk on north side Elmwood avenue, between Wortley road and Cathcart street	“	422 40	246 92	175 48	10	4
1451	Cement sidewalk on north side of the Ridgeway, between Becher street and the Wharncliffe road	“	491 12	248 56	242 56	10	4
1452	Cement sidewalk on west side Wortley road, between Elmwood and Duchess avenues	“	328 52	171 26	157 26	10	4
1453	Cement sidewalk on west side Wortley road, between Bruce and Askin streets	“	286 80	150 40	136 40	10	4
1454	Consolidating the broken amounts in the above by-laws numbered 1322 to 1453 inclusive	December 22, 1899	58,922 00	30,095 32	28,826 68	various times	4

## SCHEDULE B.

*(Section 2.)*

Articles of agreement made this nineteenth day of February, A.D. 1900.

Between the corporation of the City of London (hereinafter called the corporation), of the first part, and Francis . Barnes, of the City of London, in England, Merchant and John H. Ginge, of the City of London, in Canada, Meachant, trading under the name and firm of "The Canadian Packing Company," of the second part.

Whereas the said company are the owners of certain real estate in the Township of London, in the County of Middlesex, upon which they have erected their pork packing establishment, which they have been for some time and are now operating.

And whereas the said company have requested the corporation to permit them to lay, in Dundas street, from the eastern city limit to Egerton street a fifteen inch tile sewer so as to connect their said premises in the Township of London with the sewer of the corporation in the said city, by means of the said fifteen inch tile sewer, and a six inch tile sewer in continuation thereof, to be constructed by them in the Township of London, from the city limit aforesaid to their said establishment and premises, the said fifteen inch sewer to be laid by and at the expense of the said company, under the direction of the engineer of the Corporation, at such depth and grade, and in other respects in such manner as the said engineer may from time to time direct, the said tile to be furnished by the corporation, and the cost thereof, in excess of the cost of six inch tile to be paid by the corporation, and the rest of the cost to be paid to the corporation by the said parties of the second part, on demand, the said fifteen inch sewer when laid to become and be the property of the corporation, free from all claims of the said company, except as provided by this agreement, and the said sewer may be used by the corporation in all respects as if the same had been laid by the corporation and paid for by the corporation.

And whereas the said company have requested the corporation, after the said sewers have been constructed, to permit the sewage from their said factory to enter into the sewerage system of the said City of London, through the said fifteen inch sewer, provided that the said company do construct and maintain at their said factory, from time to time, to the satisfaction of the corporation, such grease traps and other means as shall be most effectual to prevent any sewage detrimental to the sewerage system of the said City of London, from entering the said sewer, such traps and other means to be such as shall be approved of by the engineer of the corporation and the secretary of the Provincial Board of Health, and do and shall from time to time and at all times treat the sewage from the said factory and premises in such manner as will prevent the same from being in any way detrimental to any of the sewers in the said City of London.

And whereas the Corporation have agreed to permit the connection of the said factory and premises with the sewerage system of the said City of London in manner aforesaid, upon the terms and conditions hereinafter contained, and to license the said parties of the Second Part to use the sewerage system through the said tile sewers, provided the sewage from the said factory and premises be treated as hereinbefore provided, and that such traps and other means as shall be most effectual to prevent any sewage which shall be detrimental to the sewerage system of the said City of London from entering the said sewer, or any of the sewers of the said City of London be constructed and maintained by the said parties of the Second Part, their heirs and assigns in manner aforesaid, and that the connecting sewer in the said Township of London shall be a Six inch tile sewer, and shall not at any time be increased in size, and that the said parties of the Second Part, their heirs, executors, administrators or assigns, will not at any time during the continuance of this Agreement suffer or permit any person, firm or Corporation to tap the said sewer in the said Township of London, or in any way suffer or permit any sewage or drainage to enter into the said Six inch tile sewer,

or

or into the sewers of the said City, other than the sewage and drainage from the said factory and premises of the said parties of the Second Part.

1. Now this Agreement witnesseth that the Corporation hereby licenses and permits the said parties of the Second Part to construct, in Dundas Street, from the Eastern limit of the said City of London to the Main Trunk Sewer in Dundas Street aforesaid, a Fifteen inch tile sewer, and to connect the same with the said Main Trunk Sewer at Egerton Street, under the direction and to the satisfaction of the Engineer for the time being of the Corporation, provided that the said parties of the Second Part construct and connect the same in manner hereinafter provided, on or before the Thirtieth day of June, A.D. 1900, such sewer when constructed to be the property of the Corporation free from all claims of the said parties of the Second Part, save as by this Agreement provided, and the said sewer may be used by the Corporation in all respects as if the same had been laid by the Corporation and paid for by the Corporation.

2. And the Corporation further agrees with the said parties of the Second Part to supply the Fifteen inch tile to them for the purposes aforesaid, within Ten days from demand in writing for the same made by the said parties of the Second Part.

3. And the Corporation grants unto the said parties of the Second Part permission, from the time of the completion of the construction of the said sewer, to the satisfaction of the said Engineer and the Corporation, as certified to by the said Engineer, to allow the sewage from the said factory and premises of the said parties of the Second Part to enter the said Fifteen inch sewer, and into the sewerage system of the Corporation, from time to time, until the said parties of the Second Part shall, by notice in writing, be directed by the Corporation to cease from so permitting the said sewage to enter into the said sewers, or any of them, provided always that the said sewage be treated from time to time by the said parties of the Second Part in the manner hereinbefore on page 2 hereof specified before the same, or any part thereof, is permitted to enter into the said sewers, or any of them, and provided that, before permitting any such sewage to enter into the said sewers, or any of them, the said parties of the Second Part shall construct such traps and other means as shall be approved of by the said Engineer and the Secretary of the Provincial Board of Health, and which the Corporation or the said Engineer shall deem to be necessary or expedient to prevent, and will prevent grease and other sewage, which may be detrimental in any way to the sewerage system of the said City of London, from entering the said sewers, or any of them.

4. And the said parties of the Second Part for themselves, their heirs, executors, administrators and assigns, covenant and agree with the Corporation, and its successors, that they will prosecute the work of the construction of the said sewer, and the said traps and other means, with diligence and despatch, until the same shall be finally completed, and that from and after the completion of the said traps and other means for preventing grease and other sewage detrimental to the sewerage system of the said City of London from entering into the said sewers, or any of them, the said parties of the Second Part will, from time to time, and at all times, maintain the same at their own expense, to the satisfaction of the Corporation, and to the satisfaction of the said Engineer of the Corporation, and that the said parties to the Second Part will obey the directions of the said Engineer, or the Corporation, as to the time when, and the manner in which the said work shall be done; and that the construction of the said sewer will be completed under the direction of the said engineer in all respects, and to the entire satisfaction of the said engineer of the corporation, on or before the thirtieth day of June, A.D. 1900, and that the said Engineer may reject any material or work that he may deem not to be in accordance with this Agreement, and the said parties of the second part shall be bound to remove, when so directed by the said engineer, any improper material or workmanship, and replace the same with material and workmanship satisfactory in every respect to the said engineer.



5 And that the said parties of the second part will, during the progress of the said work take all such precautions as the said engineer may deem necessary, or shall in fact be necessary, to prevent accidents to persons and property, and shall indemnify and save harmless the corporation and its successors, from and against all loss, damage, costs, charges and expenses which the corporation may sustain or be put to for or by reason of any accident or injury which may happen or be done to any person or property by reason of the neglect or improper conduct of the said parties of the second part, their contractors, servants or agents, in the doing of the said work, or their omissions to take due and proper precautions for the prevention of accidents to persons and property during or in consequence of the work; and that the said parties of the second part will, from and after the time when the construction of the said sewer shall be completed, as certified to by the said engineer, as hereinbefore provided, pay to the corporation and its successors, the sum of fifty dollars per year, in advance, for the license to use the said sewers, on the second day of July in each and every year so long as they are permitted under this agreement to use the same, the first payment to be made on the second day of July, A.D. 1900.

6. Provided always, and it is hereby expressly agreed by and between the parties hereto that the corporation, or its successors, may at any time put an end to the license and privileges hereby granted to the said parties of the second part, by giving them six months' notice in writing of their intention so to do, by depositing such notice in the general post office at the said city of London in a registered letter, addressed to the said company at the said city of London, and upon the deposit as aforesaid of the said notice in the said post office the said notice shall be deemed to have been duly served and delivered, and the said parties of the second part, their heirs, executors, administrators and assigns, shall be bound, at the expiration of the said six months, to immediately disconnect their said premises from the said sewer leading to the sewerage system of the said city of London, and thereafter prevent all sewage from their said factory and premises from entering, through the said sewer or otherwise, into the sewerage system of, or into any of the sewers in the said city of London; and that, in the event of the said parties of the second part, their heirs, executors, administrators or assigns neglecting or refusing to disconnect their said premises as aforesaid, the corporation, its servants and workmen, or any of them, shall be at liberty to disconnect the said fifteen inch tile sewer, so laid as aforesaid, at or near the place where it connects with the six inch tile sewer in the township of London, and to prevent thereby, and by such other means as the corporation may deem expedient, all sewage from the said company's factory and premises, or any part thereof, from entering into the sewers of the said city of London, or any of them; and that, from and after the expiration of the said six months' notice, as aforesaid, all rights and privileges hereby granted to the said parties of the second part shall cease and be at an end.

7. Provided, however, that, in the event of such notice being given, by the corporation to the said parties of the second part, as by the next preceding section hereof provided, the corporation shall pay to the said parties of the second part the sum of six thousand dollars to compensate them for the work done by the said parties of the second part in the construction of the said fifteen inch tile sewer in Dundas street in the said city of London as aforesaid.

8. Provided also that, in the event of the said parties of the second part, their heirs, executors, administrators or assigns, at any time during the continuance of this agreement, increasing the size of the tile sewer in the said township of London connecting with the said sewer in the said city of London beyond a six inch tile sewer, or at any time knowingly suffering or permitting any person, firm or corporation to tap the said sewer in the said township of London, or in any way knowingly suffering or permitting any sewage or drainage to enter into the said six inch tile sewer, or into the sewers of the said city, other than the sewage and drainage from the said factory and premises of the said parties of the second part, the corporation or its successors may put an end to the license and privileges hereby granted by giving six months' notice in manner hereinbefore

hereinbefore provided to the said parties of the second part, and the said parties of the second part, their heirs, executors, administrators and assigns, shall be bound, at the expiration of the said six months' notice, to immediately disconnect their said premises from the said sewer leading to the sewerage system of the said city of London, and thereafter prevent all sewage from their said factory and premises from entering, through the said sewer or otherwise, into the sewerage system of, or into any of the sewers in the said city of London; and that, in the event of the said parties of the second part, their heirs, executors, administrators or assigns, neglecting or refusing to disconnect their said premises as aforesaid, the corporation, its servants and workmen, or any of them, shall be at liberty to disconnect the said fifteen-inch tile sewer, so laid as aforesaid, at or near the place where it connects with the six-inch tile sewer in the said Township of London, and to prevent thereby, and by such other means as the corporation may deem expedient, all sewage from the said company's factory or premises, or any part thereof, from entering into the said sewers of the said city of London, or any of them; and that, from and after the expiration of the said six months' notice as aforesaid, all rights and privileges hereby granted to the said parties of the second part shall cease and be at an end, and if the rights and privileges aforesaid be put an end to by the corporation, under the provisions of this proviso, the said parties of the second part shall not be entitled to the said sum of six thousand dollars, or to any compensation whatsoever.

9. Provided also, and it is hereby expressly agreed that if and whenever the said license fee, or sum of fifty dollars, or any part thereof, shall be unpaid for sixty days after any of the days on which the same ought to have been paid, although no formal or other demand shall have been made thereof, or in case of the breach or non-performance of any of the covenants or agreements herein contained on the part of the said parties of the second part, their executors, administrators or assigns, or in case the parties of the second part, their executors, administrators or assigns, shall make an assignment for the benefit of creditors, or becoming bankrupt or insolvent shall take the benefit of any Act that may be in force for bankrupt or insolvent debtors, or in case the said factory or premises shall at any time be used for any purpose other than a pork packing establishment, then, and in any or either of such cases it shall be lawful for the corporation or its successors to put an end to the rights and privileges hereinbefore granted to the said parties of the second part by giving six months' notice, in manner hereinbefore provided, to the said parties of the second part, and in that event the parties of the second part, their heirs, executors, administrators and assigns, shall be bound, at the expiration of the said six months' notice, to immediately disconnect their said premises from the said sewer leading to the sewerage system of the said city of London, and thereafter prevent all sewage from their said factory and premises from entering, through the said sewer or otherwise, into the sewerage of, or into any of the sewers in the said city of London; and also that, in the event of the said parties of the second part, their heirs, executors, administrators or assigns neglecting or refusing to disconnect their said premises as aforesaid, the corporation, its servants and workmen, or any of them shall be at liberty to disconnect the said fifteen inch tile sewer, so laid as aforesaid, at or near the place where it connects with the six inch tile sewer in the said Township of London, and to prevent thereby, and by such other means as the corporation may deem expedient, all sewage from the said company's factory or premises, or any part thereof, from entering into the said sewers of the said city of London or any of them; and that, from and after the expiration of the said six months' notice as aforesaid, all rights and privileges hereby granted to the said parties of the second part shall cease and be at an end, and if the rights and privileges aforesaid be put an end to by the corporation, under the provisions of this proviso, the said parties of the second part shall not be entitled to the said sum of six thousand dollars, or to any compensation whatsoever.

10. It is expressly agreed by and between the parties hereto that, in the event of the limits of the city of London being extended during the continuance of this agreement so as to include the whole or any part of the

the said six inch tilesewer to be laid in the Township of London as aforesaid, the whole or such part of the said six inch tile sewer as shall come within the limits of the city of London, by reason of any such extension or extensions, shall thereupon become and be vested in the corporation of the city of London, free from all claims of the said parties of the second part except as provided by this agreement.

11. It is further expressly agreed by and between the parties hereto that this agreement, and the powers and privileges thereby granted, shall not take effect or be binding on the corporation or the said parties of the second part unless and until this agreement shall be validated, ratified and confirmed by the legislature of the Province of Ontario at its present session.

In witness whereof the corporation has caused to be affixed its corporate seal, and the Mayor and Clerk have set their hands and the parties of the second part have set their hands and seals the day and year first above written.

Signed, sealed and delivered, } F. G. RUMBALL, Mayor.  
in the presence of } C. A. KINGSTON, City Clerk.  
G. E. TAYLOR. } FRAS. E. BARNES. [L.S.]  
JOHN H. GINGE. [L.S.]



## CHAPTER 77

### An Act respecting the Town of Meaford.

*Assented to 30th April, 1900.*

#### Preamble.

WHEREAS, the Municipal Corporation of the Town of Meaford has by petition represented that being desirous of increasing the shipping business of the harbour at the said Town of Meaford, and thereby materially advancing the interests of the said town, an agreement has been entered into between the said Corporation and "The Botsford Jenks Co., Port Huron, Mich.," dated the 25th day of September, 1899, a copy of which said agreement is set forth in schedule A to this Act, for the erection at the said harbor of a first class modern grain elevator of the present storage capacity of 600,000 bushels, in the manner and upon the terms and conditions in the said agreement set forth; that in order to utilize the said elevator to the best advantage and to provide railway connection therewith for the transportation of grain, the said corporation has also entered into an agreement with the



the Grand Trunk Railway Company of Canada, dated the 16th day of November, 1899, for the extension by the said railway company of its present line to the said harbour upon the terms and conditions in the said agreement contained and mentioned, a copy of which said agreement is set forth in schedule "B" to this Act; that the said corporation has agreed to aid the said "The Botsford Jenks Co., Port Huron, Mich.," in the erection of the said elevator by granting to the said company a bonus of \$25,000 towards the cost thereof; that the said corporation has also agreed to aid the said Grand Trunk Railway Company of Canada in the extension of its railway line to the said harbour by granting to the said railway company a bonus of \$25,000 towards the cost of the said extension and station and other buildings, and has also agreed to furnish the necessary right of way and station grounds for the said extension at an estimated cost of \$6,000; that in order to raise the said sums of money, amounting in the whole to \$56,000, a by-law of the said Corporation, being No. 30 for 1899, a copy of which is set forth in schedule "C" to this Act, has been duly submitted to the ratepayers entitled to vote thereon under the provisions of *The Municipal Act*, and received the assent of a large majority of the said ratepayers, 291 having voted for the said by-law, and only 52 against the same, out of a total number of 407 ratepayers qualified to vote thereon, and the said by-law has been finally passed by the said corporation; that the lands proposed by the said agreements to be conveyed to the said respective companies are portions of lands vested in the said Corporation of the Town of Meaford for harbour purposes, and for the erection of a pier and landing place at the said town, and the portions of streets proposed to be closed and conveyed to the said respective companies are adjacent to the said lands and are not used by the public to any great extent, and the interests of the said harbour and town will be best served by the conveyance of the said lands and portions of streets to the said respective companies for the purposes of the said elevator and railway extension; and whereas the said corporation have by their petition prayed that the said respective agreements and the said by-law may be confirmed and declared legal and valid, and that the said corporation may be authorized and empowered to issue debentures for the said sum of \$56,000 as provided in the said by-law and to grant to the said respective companies the said respective sums of money by way of bonus and the exemptions from payment of taxes (except school taxes) and the lands, including portions of streets, and other rights and privileges particularly mentioned and set forth in the said respective agreements; and whereas no opposition by or on behalf of any ratepayer has been given to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreements  
with Botsford  
Jenks Co. and  
G. T. R. Co.  
confirmed.

1. The agreements referred to in the above preamble and respectively set forth in schedules "A" and "B" to this Act are hereby ratified, confirmed and made valid in the same manner and to the same extent as if set out and incorporated in this Act.

By-law 30 for  
granting  
bonuses  
confirmed.

2. The said by-law No. 30 for 1899 of the said Corporation of the Town of Meaford set out in schedule "C" to this Act is hereby confirmed and declared to be valid and legal and to be binding upon the Corporation of the said Town.

Power to  
borrow  
\$56,000.

3. The said Corporation is hereby authorized and empowered to borrow the said sum of \$56,000 and to issue debentures therefor, repayable in the manner and for the amounts set forth in the said by-law.

Power to  
convey certain  
lands to  
companies.

4. It shall be lawful for the said Corporation to convey to the said respective companies the portions of the said lands held by the said Corporation, for harbour and other purposes mentioned and referred to in the said respective agreements.

Closing  
certain  
streets.

5. The portions of streets mentioned and referred to in the said respective agreements, and agreed to be conveyed by the said Corporation to the said respective companies, are hereby declared to be stopped up and closed as highways, and the said Corporation is hereby empowered to grant and convey the same to the said respective companies in accordance with the said respective agreements, without previously taking the proceedings required by *The Municipal Act*, for stopping up and closing the said portions of streets.

Rev. Stat.  
c. 223.

6. It shall and it may be lawful for the said Corporation to hold and use all the lands and water lots now held by them for harbour purposes, as well as the water lot in front of harbour reserve C., extending from water lot E. easterly to the east limit of said harbour reserve C. in the event of the said corporation acquiring the same, and to lease or sell and convey the same or any portion or portions thereof to such persons or corporations for such purposes and upon such terms as the Municipal Council of the said Corporation shall or may, from time to time, see fit in the interests of the said town.

## SCHEDULE A.

This agreement made the twenty-fifth day of September in the year one thousand eight hundred and ninety-nine, by and between The Corporation of the Town of Meaford (hereinafter called the Corporation) of the first part and The Botsford Jenks Company, Port Huron, Mich., hereinafter called the Company) of the second part.

Whereas the Company has agreed to erect a grain elevator for the storage and transportation of grain upon a site to be hereafter mutually agreed

agreed upon near the mouth of the Harbour in the said Town on the property of the Corporation and the Corporation has under the provisions of The Municipal Act in that respect agreed to assist the Company in the erection of such grain elevator by granting to the Company a bonus of twenty-five thousand dollars (\$25,000) towards the cost thereof and has also at the request of the Company agreed to exempt the Company from the payment of taxes (except school taxes) upon the said grain elevator and site for the period of ten years upon the terms and conditions hereinafter set forth :—

Now this agreement witnesseth that the said parties for themselves, their successors and assigns hereby covenant, promise and agree each with the other and their successors and assigns in manner following, that is to say—

1. The Company will cause to be erected, constructed and equipped on the site to be selected as above a first class modern grain elevator to cost at least one hundred thousand (\$100,000) dollars with all necessary and usual equipments, appliances and facilities for the storage and transportation of grain with a storage capacity of not less than (600,000) six hundred thousand bushels of grain and capable of unloading not less than (10,000) ten thousand bushels per hour from vessels, the said elevator to be equipped with motive power, machinery and other appliances sufficient for an elevator with a storage capacity of not less than (1,000,000) one million bushels of grain and to be fully completed on or before the fifteenth day of September (A.D. 1900) next in a good workmanlike manner and of good substantial materials to the approval of the corporation or of an engineer to be appointed by them, and will also whenever the increase of business shall warrant and require it from time to time erect and construct an addition or additions to the said grain elevator for the storage of grain to the extent in the whole of (1,000,000) one million bushels.

2. The said company will cause to be maintained and kept in good working order and repair the said elevator, machinery, appliances and equipments and all additions made thereto as above mentioned, and will well and sufficiently operate, use and employ the same for the storage and transportation of grain as aforesaid for the period of at least twenty-five (25) years from the said fifteenth day of September, A.D. 1900. The company will at all times in the construction, maintenance and operation of the said elevator and works employ artisans, mechanics, labourers and other employees and workmen residing in the town of Meaford aforesaid in preference to non-residents, all other conditions being equal.

3. The company will at their own expense insure and at all times keep insured against loss by fire in a reliable insurance company or companies to be approved by the corporation, the said elevator, building, machinery and equipments to the extent of at least (\$25,000) twenty-five thousand dollars, and will assign the policy or policies for such insurance to the corporation as security for the payment of the amount of their lien on the said building and premises as provided in clause 8 of this agreement. In the event of the destruction or partial destruction of the said elevator building and premises by fire the company shall within three months thereafter determine whether they shall repair or rebuild and restore the same or not and shall immediately notify the corporation in writing of their intention in that behalf and in case the company decide to repair or rebuild and restore the same they shall proceed to do so forthwith with all reasonable despatch and shall have the same completely repaired or rebuilt and restored within seven months after such decision is reached.

4. The corporation shall convey by deed to the company the site required for the erection of the said elevator and works to be mutually agreed upon as aforesaid situate on the east side of the Big Head River and to be three hundred (300) feet square to be held by the company for so long as the company shall continue to carry on operations under the terms of this agreement, and shall also give the company during the period aforesaid the prime use of all frontage in the harbour on the east side of the said river required to load and unload boats and for railroad sidings in connection with the said elevator. And upon the company ceasing to carry on operations under the terms of this agreement the said  
site



site and all privileges hereby granted and conferred upon the company shall immediately revert to and become absolutely revested in the corporation.

5. The corporation shall also cause to be dredged and maintained during all the period aforesaid a free channel from deep water of sufficient depth to make the said elevator freely accessible by vessels carrying grain in Canadian waters not exceeding eighteen feet and will have the dredging and piling in the said harbour extended so as to provide space of not less than three hundred and fifty feet (350 feet) on each side of the centre of the said elevator site for the landing of vessels carrying grain and will also construct a suitable pier along the whole of the said front.

6. Upon the erection and completion of the said elevator building, machinery and appliances to the satisfaction of the corporation or their engineer as set forth in the first clause hereof, the corporation shall pay to the company the sum of twenty-five thousand dollars as a bonus towards the cost of the said works and upon the terms and conditions herein contained and set forth.

7. The corporation also agrees to exempt the company from payment of all municipal rates and taxes (except school taxes) from the date of completion of the said elevator building and while the company shall continue to carry on the said business for a period not exceeding ten years.

8. The intention of this agreement is that the company shall cause to be kept in good running order and repair and efficiently operated and used and maintained the said elevator and the works and facilities in connection therewith for the storage and transportation of grain at the said town of Meaford for the future and shall by all means in their power endeavor to induce and increase the shipment of grain at the said town of Meaford, but in order to provide against disputes the company may terminate this agreement at any time on giving six months notice in writing to the corporation of their intention to do so, and at the expiration of six months from the service of such notice the obligation of the company under this agreement shall be at an end, and in such case the company shall refund to the corporation such sum (if any) in full of all damages for the breach of this agreement as may be found due computed on the following basis, that is to say, provided the company has kept and maintained the said grain elevator and its appliances in good running order and repair and has efficiently operated, used and employed the same for the purposes hereinbefore mentioned for the term of twenty-five years from the date of commencement of operations, then in case of the last mentioned notice being given no sum whatever shall be due or payable by the company to the corporation, but in the event of such notice being given before the expiration of the said period of twenty-five years or if the said elevator and premises shall within such period of twenty-five years be destroyed or injured by fire and the said company shall give notice as provided in clause 3 hereof of their intention not to rebuild or repair and restore the said elevator and premises, then in either such case the company shall upon such notice being given forthwith become liable to repay and shall forthwith pay to the corporation a sum computed at the rate of (\$1,000) one thousand dollars per year and a proportionate sum for any fraction of a year for the time to elapse from the date of such notice until the end of the said term of twenty-five years and upon such sum being paid all cause and causes of action by the corporation against the company for any breach of this agreement shall be thereupon extinguished and satisfied. And it is hereby declared and agreed that the corporation shall have a lien and charge upon all the machinery, appliances and equipments of the company, in and upon the said elevator building and premises for the said sum of twenty-five thousand dollars or the proportionate part thereof repayable to the corporation as aforesaid, and that until payment thereof in full none of the said machinery appliances or other property of the company shall be removed from the said buildings or premises.

9. This agreement shall not be binding upon either of the said parties unless and until the corporation shall make arrangements with the Grand Trunk Railway Company for connecting their line of railway with the said harbour and elevator so as to give all necessary and suitable facilities for the transportation of grain from the said elevator.

10. In case it shall be deemed necessary to procure an act of the Legislature of Ontario to legalize this agreement or any part thereof or the by-laws of the corporation for carrying the same into effect, the cost of such legislation shall be borne and paid by the company.

In witness whereof the parties hereto have caused to be affixed their corporate seals and the Mayor and Clerk of the said corporation of the town of Meaford, and the President and Secretary-Treasurer of the said The Botsford Jenks Company, Port Huron, Mich., have set their hands the day and year first above written.

[L.S.] Signed, sealed and delivered in the presence of (as to execution by the Mayor and Clerk at the town of Meaford).

(Sgd) JNO. S. WILSON.

[L.S.] (As to execution by the President of the said company).

(Sgd.) J. W. TAYLOR.

[L.S.] (As to execution by the Secretary-Treasurer of the said company)

(Sgd.) J. W. TAYLOR.

J. D. HAMILL,  
Mayor of Meaford.

GEO. G. ALBER,  
Clerk of Meaford.

J. E. BOTSFORD,  
President.

F. D. JENKS.

### SCHEDULE B.

This agreement made the sixteenth day of November, 1899. by and between the corporation of the town of Meaford, hereinafter called "the corporation," of the first part, and the Grand Trunk Railway of Canada, hereinafter called "the company," of the second part:

Whereas the present railway station and terminus of the company, at the town of Meaford, are inconveniently located at a considerable distance from the harbor in the said town, and

Whereas the corporation has lately entered into an agreement for the erection at the said harbour of a first-class modern elevator, and it is expedient in order to increase and develop the business of the said company and of the said town and harbor, that direct communication should be established between the railway line of the said company and the said harbour;

And whereas it has been agreed by the parties hereto that the company shall divert its main line of railway from a point on its present line to the said harbour and shall remove the station buildings, freight sheds, offices, engine houses and other company buildings necessary, now situate at its present terminus, and shall furnish all necessary right of way, yard room and station grounds in connection with the line to the said harbor, as shewn on plan hereto attached, marked "A," and construct and erect thereon all such necessary and suitable tracks, sidings, switches, station buildings, freight sheds, offices, work shops, and other buildings and works for carrying on the business of the company at the said town of Meaford, and of the said harbour and elevator in connection therewith, as shall from time to time be required, and the corporation has agreed to aid the company in the removal of the said buildings from the present terminus, and the construction and erection of the said line to the said harbor and of the said buildings and other works by granting to the company a bonus of twenty-five thousand dollars toward the cost thereof, and by granting to the company such further sum (estimated to amount to six thousand dollars) as shall be required for the purchase or expropriation by the company of the necessary rights of way, yard room and station grounds, and all costs and expenses of the necessary conveyancing and expropriation proceedings, it being expressly understood and agreed that the corporation shall first use all means in its power to acquire the said

said lands for the company, and that in case the corporation fail in acquiring any portion of the said lands by such means, the corporation shall thereupon notify the company thereof and the company shall then proceed to expropriate the same, and by exempting the said lands of the company from payment of taxes (except school taxes) for a period of fifteen years, upon the terms and conditions hereinafter set forth.

Now this agreement witnesseth that each of the said parties hereto hereby covenants and agrees with the other of them in manner following, that is to say :—

1. As soon as the contract shall be let for the construction of a first-class modern elevator at the harbour, in the said town of Meaford, the company shall commence, and not later than September 15th, 1900, (unforeseen delays arising from strikes or other causes beyond the company's control only excepted) to construct and complete a railway line from a point on the present line in the township of St. Vincent, as shewn on plan "A" attached hereto, to connect with the said harbour and elevator, and shall furnish and construct all necessary and suitable rights of way, station grounds, yards, tracks, sidings, switches and other works, and shall remove the station buildings, freight sheds, offices, engine houses and other company buildings necessary from the present terminus and erect such suitable buildings and structures as shall be necessary for carrying on the business of the said company, and of the said harbour and elevator in connection therewith, upon a site convenient to the said harbour and elevator, as shewn upon said plan, in the said town of Meaford.

2. Upon the completion by the company of the said railway line, buildings and other works in connection with the said harbour and elevator as aforesaid, the company shall at once commence and shall thereafter continue to use and operate the same for the transaction of all freight and passenger business, and all other business whatsoever of the company, at the said town of Meaford, and shall thereafter, so far as it legally may, cease to use and employ the present terminus or any other portion of the company's lands for any of the purposes aforesaid.

The company, in the work of construction of the said extension buildings and works, shall, so far as possible, employ as workmen the residents of the said town in preference to non-residents, all conditions being equal.

3. The company shall use all means in its power to promote and encourage the increase of the shipping and carrying trade and business of the said harbour and elevator in connection with its railway line, and shall from time to time furnish, erect and construct such other and further tracks, sidings, switches, buildings and works as shall be required for effectively carrying on such increased trade and business. The company further agrees that, according to its powers, it will not charge, demand, collect or receive from the residents of the town of Meaford any greater compensation for any service rendered or to be rendered in the transportation of passengers or property than it charges, demands, collects or receives from other persons located in any other town or port on Georgian Bay for doing for them a like and contemporaneous service in the transportation of a like kind of traffic, under substantially similar circumstances and conditions.

4. Upon the completion by the company of the said railway line to the said harbour, and the erection of the aforesaid buildings and works in connection therewith, and upon the company commencing to use and operate the same as aforesaid, the corporation shall pay the company by way of bonus the sum of twenty-five thousand dollars toward the cost of the said railway line, buildings and works, and such further sum as may be necessary to fully reimburse the railway company for all expenditures for the acquisition of said rights of way, yard room and station grounds and all proceedings connected therewith.

5. The corporation also agrees to convey and cause to be conveyed to the company absolutely for right of way, station grounds and yards, the following lands, including portions of street, in the said town of Meaford, that is to say :—All those parcels or tracts of land, including portions of streets and land covered with water, situate in the town of Meaford, in the county of Grey and Province of Ontario, which are shewn colored red



on the plan hereunto annexed marked "A," which is a blue print of the plan made by Henry K. Wicksteed, O.L.S., under date of 15th November, 1899, and signed by Joseph Hobson, chief engineer of the company, under the said date of 15th November, 1899, which said plan hereunto annexed is hereby declared to be part and parcel of this agreement, and including the right of way to be acquired as aforesaid for the said deviation to the harbour of the main line of the railway of the company between a point on the present main line of the said railway on lot twelve in the fourth concession of the township of St. Vincent, in the county of Grey aforesaid, and the harbor and also all additional widths of land along either or both sides of said right of way which the said chief engineer may consider it necessary should be acquired for embankments and cuttings, or by reason of slips or subsidence upon and along the said right of way and for the proper draining and fencing of the said right of way, and for the purpose of deviating any roads or streets or diverting any rivers, creeks, streams, or watercourses on or along either or both sides of the said right of way, provided nevertheless that the said right of way from the north side of Edwin street to the Big Head river shall nowhere exceed fifty feet in width, as marked on the said plan, and also all rights which the Corporation may now have or become entitled to in or to the land and land covered with water in the immediate waterfront east of the breakwater in the said harbor in front of the said lands, together with the right to construct and operate tracks sidings and switches upon the said breakwater for the traffic of the said company, reserving and excepting thereout and therefrom such portions of the said lands as shall be granted to the Botsford-Jenks Company, Port Huron, Mich., in pursuance of the agreement made between the corporation and the said the Botsford-Jenks Company, dated the 25th day of September, 1899, and reserving and excepting also those portions of Harbor Reserve "B" and Collins street lying north of the lands so to be granted to the said the Botsford-Jenks Company, subject to the right of way over the same for the tracks of the company as shewn on the said plan and all lands and lands covered by water and water lots in front of Harbor Reserves "B" and "C" that may or shall be required for the construction, alteration or maintenance of the said harbour, together with the right to enter upon the lands hereby agreed to be conveyed to the company adjoining the said harbor at all times for all necessary purposes in connection with the construction, alteration or maintenance of the said harbor; but so as not to interfere with the traffic or operations of the said company. The corporation further agrees to take all necessary proceedings to stop up and close the portions of streets colored red on the said plan, or marked thereon to be closed and to grant to the company the right to lay and operate the tracks, sidings and switches of the company along, upon and across the several streets or portions of streets shown thereon, including Huron street, to its intersection with Boucher street, and to divert and open the deviation of Collins street and Bridge street as shown on said plan, and to convey the said lands and portions of streets colored red on the said plan as aforesaid, and all other the rights, privileges and appurtenances hereinbefore mentioned to the company as soon as the company shall commence to operate the said railway line to the said harbor.

6. The corporation also agrees to exempt from the payment of all municipal rates and taxes (except school taxes), all the lands and all improvements thereon conveyed by the corporation to the company as aforesaid, and all other lands, and all improvements thereon required by the company for right of way, station grounds and yards within the limits of the said town of Meaford, in connection with the said line to the said harbor for the term of fifteen years to be computed from the time when the same shall be respectively conveyed to or acquired by the company.

7. In case it shall be deemed necessary to procure an Act of the Legislature of Ontario, to legalize this agreement or any part thereof, or the by-laws of the corporation for carrying the same into effect, the cost of procuring the same shall be borne and paid by the company and the corporation shall co-operate and assist in having such Act passed.

in

In witness whereof the parties hereto have hereunto set their respective corporate seals.

Signed, sealed and delivered in the presence of	}	The Corporation of the Town of Meaford.
By the corporation.		J. D. HAMILL, Mayor.
Signed GEO. G. ALBERY,	}	[Corporate Seal]
Town Clerk.		The Grand Trunk Railway Company of Canada.
(By the Company)	}	Per CHAS. M. HAYES,
Signed CHAS. PERCY, Treasurer.		General Manager. (Corporate Seal).

### SCHEDULE C.

#### THE CORPORATION OF THE TOWN OF MEAFORD.

By-Law No. 30, A.D., 1899.

For authorizing the issue of debentures for the sum of \$56,000 for the purpose of granting a bonus of \$31,000 to the Grand Trunk Railway of Canada, and a bonus of \$25,000 to the Botsford-Jenks Company, Port Huron, Mich.

WHEREAS the Grand Trunk Railway Company of Canada has agreed to divert its railway line from a point on the north-east quarter of lot No. 12, in the 4th concession of the township of St. Vincent, near the point of intersection of the said railway line with the sideroad between lots numbers 12 and 13, in the said 4th concession of said township, so as to connect with the harbor at the said town of Meaford, and to erect suitable station and other buildings for the transaction of all its business at the said town in connection with the said harbor and with a proposed elevator to be erected thereat, as more particularly set forth in a certain agreement entered into between the said railway company and the said corporation, and the said corporation has agreed to aid the said railway company in the construction of the said line and the erection of the said buildings, and in acquiring the lands required for right-of-way, station, grounds and other necessary purposes by granting to the said company a bonus of \$31,000 toward the cost thereof.

And whereas, the Botsford-Jenks Company, Port Huron, Mich., has by an agreement entered into between the said last-mentioned company and the said corporation, bearing date the 25th day of September, 1899, agreed to erect at the said harbor a first-class modern elevator to cost not less than \$100,000, and with a present storage capacity of at least 600,000 bushels in the manner and on the terms and conditions set forth in the said agreement, and the said corporation has agreed to aid the said The Botsford-Jenks Company, Port Huron, Mich., in the erection of the said elevator, by granting to the said last-mentioned company a bonus of \$25,000 toward the cost thereof.

And whereas, the construction of the said line of railway and the erection and operation of the said grain elevator will largely increase the shipping and other business of the said harbor, and materially advance the interests of the said town.

And whereas, it is necessary in order to grant the said bonuses to borrow the sum of \$56,000, and in order thereto it will be necessary to issue debentures of the said municipality for the said sum of \$56,000.

And whereas, it is expedient to make the principal of the said debt repayable by annual instalments during the period of thirty years (computed from the 30th day of December, A.D., 1899) so that each of such instalments shall be of such an amount that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to that which is payable for principal and interest during each of the other years of such period.

And whereas the aggregate amount aforesaid required to be raised annually by special rate for principal and interest (computed at the rate of four and a-half per cent. per annum) is the sum of \$3,437.95.

And

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll thereof, is \$535,995.

And whereas the amount of the existing debenture debt of the said municipality is \$30,556.02, no principal and no interest being in arrear.

Be it therefore enacted by the municipal council of the corporation of the town of Meaford, as follows :

1. It shall be lawful for the Mayor of the said municipality for the purposes aforesaid to borrow the said sum of \$56,000, and to issue thirty debentures of the said municipality for the said sum of \$3,437.95 each, payable on the 30th day of December, A.D., 1900, and on the same day in each of the twenty-nine next succeeding years, respectively, each debenture being the amount of principal and interest computed at the said rate of four and a-half per cent. per annum, repayable in each year respectively during thirty years as aforesaid.

2. The said debentures shall be dated the 30th day of December, A.D., 1899, and shall be payable at the office of the Molsons Bank, at the said town of Meaford.

3. It shall be lawful for the Mayor or head of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same to be signed by the Treasurer of the said municipality, and the Clerk of the said municipality is hereby authorized and instructed to attach the seal of the said corporation to the said debentures.

4. During the currency of the said debentures, and while any of the said debentures shall remain unpaid there shall be raised, assessed and levied annually for thirty years by special rate as aforesaid upon the whole rateable property within the said municipality the said sum of \$3,437.95, being a sum sufficient to discharge the several yearly sums of principal and interest accruing due as the said yearly sums become respectively payable.

5. That in pursuance of the Municipal Act, a poll shall be held and the votes of the duly qualified ratepayers entitled to vote on this by-law shall be taken on Tuesday, the 12th day of December, A.D., 1899, from the hour of nine o'clock in the morning, until the hour of five o'clock in the afternoon of the same day, at the following polling places in the respective wards of the said municipality :

In the East Ward, at Mr. C. H. Jay's office, on Sykes street, by Mr. C. H. Jay, as deputy returning officer.

In the West Ward, at Wm. Stewart's store on Trowbridge street, by Mr. William Stewart, as deputy returning officer.

And in the North Ward, at the Council Chamber, in the Town Hall, by Mr. Samuel McClain, as deputy returning officer.

6. On Monday, the 11th day of December, A.D., 1899, at the hour of 10 o'clock in the forenoon, the Mayor of the said town will attend at the Council Chamber, aforesaid, for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the Town Clerk of the votes polled on this by-law, and also of appointing one person to attend at each polling-place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested and desirous of opposing the passing of this by-law.

7. On Wednesday, the 13th day of December, A.D., 1899, at the hour of 5 o'clock in the afternoon, at the Council Chamber aforesaid, the said Town Clerk will proceed to sum up the number of votes given for and against this by-law.

8. This by-law shall come into force and take effect on the day of the passing thereof.

Passed, signed and sealed in Council assembled this 26th day of December, A.D., 1899.

GEO. G. ALBERY,  
Town Clerk.

J. D. HAMILL,  
Mayor.

{ SEAL }



## CHAPTER 78

## An Act respecting the Town of Milton.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Milton has by petition represented that the said Corporation has passed a by-law No. 290, as amended by by-law No. 291, intituled "A By-law to provide funds for granting to the extent of \$10,000 a bonus by way of loan to E. Syer, of the Town of Port Hope, in the County of Durham, carpet manufacturer, for the purpose of enabling her to build and operate a carpet factory in the Town of Milton and to increase the said business, and to authorize the issue of debentures therefor, and to exempt from taxation (except school taxes) the lands, buildings, plant and machinery of the said E. Syer, and to grant to her free water and the sum of \$30 yearly for pumping water from the creek," wherein it is enacted that the said corporation might lend the said E. Syer the sum of \$10,000 to enable her to remove and establish her carpet manufacturing interests in the said Town of Milton, on certain conditions mentioned in the said by-law and also in a certain agreement made between the said E. Syer and the Corporation of the Town of Milton, dated the fifteenth day of February, A.D. 1900, said loan to be repayable in twenty years from the first day of September, 1900, and also might exempt from taxation (except school taxes) the lands used for factory site and the buildings, plant and machinery of the said E. Syer, for the term of ten years from the first day of September, 1900, and also might grant to the said E. Syer for the term of twenty years from the first day of September, 1900, the use of town water and pay to her the sum of \$30 per annum for the said term of twenty years to cover cost of pumping water from the creek, and whereas it is further represented that there is no similar industry established within the limits of the said corporation, and whereas the said by-law as amended was, on the 9th day of March, 1900, submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided by *The Municipal Act*, and 229 of the ratepayers qualified to vote as aforesaid voted in favour of the said by-law as amended, being over two-thirds of those qualified to vote on such by-law, and only 7 voted against the said by-law as amended; and whereas the said Corporation has prayed that the said by-law as amended may be confirmed and that the said agreement between the said E. Syer and the Corporation of the Town of Milton for the performance of the conditions of the

the

the said by-law as amended may be declared legal and valid ; and whereas the said Municipal Corporation of the Town of Milton has by its petition prayed for leave to enable the said Corporation to grant exemption from taxation for twenty years and also to grant a loan of ten thousand dollars upon such conditions as the council of the said town may determine for the purpose of aiding the establishment and running in the said town of a carpet factory, and for power to enable the said corporation to enter into and make such agreements in the premises as may be considered best, subject to ratification by the rate-payers qualified to vote upon such questions, also to enable the said corporation to grant similar privileges and a loan not exceeding ten thousand dollars to such persons, firms or corporations as shall establish such other industries in the said town as shall not conflict with those already established therein, subject to all conditions mentioned above, and whereas, subject to the provisions of this Act, it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1.—(1) The said by-law No. 290 of the Corporation of the Town of Milton as amended by by-law No. 291 intituled as in the preamble to this Act and set out in schedule A to this Act, is hereby confirmed and declared to be valid and binding upon the said municipality from the time of passing thereof to all intents and purposes notwithstanding any want of power or jurisdiction in the said municipal council to pass the said by-law as amended, and notwithstanding any defect in substance or in form of the said by-law as amended or in the manner of passing the same, and the said corporation is declared to have been authorized by the said by-law as amended to grant aid by way of loan to the said E. Syer therein mentioned to the extent of \$10,000 repayable in twenty years from the first day of September, 1900, or repayable sooner than that time as is provided for and in pursuance of the terms of the said agreement, and to exempt from taxation (except school taxes) the lands used for factory site, and the buildings, plant and machinery of the said E. Syer for the term of ten years, from the first day of September, 1900, and also to grant to the said E. Syer for the term of twenty years from the first day of September, 1900, the use of town water subject to the terms of the said agreement, and pay to her the sum of \$30 per annum for the said term of twenty years to cover cost of pumping water from the creek, and the said agreement set out in schedule A to this Act is declared to be valid and binding and all acts done or to be done and all payments made or to be made by the said corporation pursuant to the said by-law as amended are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

By-law confirmed.

Authority to  
pass exemp-  
tion by-law.

2. It shall be lawful for the Corporation of the Town of Milton to pass a by-law or by-laws for the purpose of granting exemption from taxation for twenty years and also for the purpose of raising by way of loan on the credit of the debentures of the said corporation a sum not exceeding in the whole \$10,000 at a rate of interest not exceeding four and one-half per cent. per annum upon such conditions as the council of said town may determine for the purpose of aiding by way of loan the establishment and running in the said Town of Milton of a carpet factory, and to enter into and make such agreements in the premises as may be considered best, and to grant similar privileges and a loan not exceeding \$10,000 to such persons, firms or corporations as shall establish such other industries in said town as shall not conflict with those already established therein.

Proviso.

Provided, however, that such by-law or by-laws shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within a year from the creation thereof, and shall be approved by not less than two-thirds of the rate-payers qualified to vote on money by-laws under the provisions of *The Municipal Act* and the provisions as to procedure and otherwise contained in *The Municipal Act* respecting by-laws creating debts shall apply to such by-law or by-laws to be passed under the authority of this Act, as if expressly incorporated therewith.

Authority to  
enter into  
agreements  
as to security  
by persons  
bonused.

3. The said municipal corporation shall be and is hereby authorized to enter into such agreement or agreements and to take such securities as the said municipal council may deem advisable for the due carrying out of the terms and conditions to be imposed by the said corporation upon the persons, firms and corporations to whom such aid as aforesaid shall be granted.

## SCHEDULE A.

(Section 1.)

BY-LAW NO. 290, AS AMENDED BY BY-LAW NO. 291.

A by-law to provide funds for granting to the extent of \$10,000.00 a bonus by way of loan to E. Syer, of the town of Port Hope, in the county of Durham, carpet manufacturer, for the purpose of enabling her to build and operate a carpet factory in the town of Milton and to increase the said business and to authorize the issue of debentures therefor, and to exempt from taxation (except school taxes) the lands, buildings, plant and machinery of the said E. Syer, and to grant her free water and the sum of \$30 yearly for pumping water from the creek.

Whereas the said E. Syer is now engaged in the manufacture of carpets in the town of Port Hope and is desirous of removing to and establishing her carpet manufacturing interests in the town of Milton, and it is desirable in the interests of the said town of Milton that she should be induced

to



to do so, and that for the purpose of inducing her to do so, the said town should loan her by way of bonus the sum of \$10,000.00 for the term of twenty years without interest, to be repaid in twenty annual instalments of \$500.00 each, said sum of \$10,000.00 to be raised by debentures of the said town of Milton and to be advanced to the said E. Syer in manner hereinafter more fully mentioned ; and

Whereas the said E. Syer has entered into an agreement with the municipal corporation of the town of Milton, dated the fifteenth day of February, 1900, that in consideration of the sum of \$10,000.00 to be loaned to her she will erect in the town of Milton a substantial stone and brick building to cost not less than \$3,000.00 and place therein necessary machinery for the manufacture of carpets, the total equipment, including building and site, to be of not less value than \$10,000.00, and to have the factory in operation as a going concern by the first day of September, 1900, and to employ in said business not less than forty hands on the average in each month and to pay in wages a sum averaging not less than \$8,000.00 per annum, to be computed at the end of successive periods of five years from the 1st day of September, 1900, and upon the purchase of the factory site to give to the corporation of the town of Milton a first mortgage for \$10,000.00 on the premises and on the buildings, plant and machinery to be placed thereon, as a guarantee of good faith and for the faithful performance of the covenants in the agreement binding upon her, the said mortgage to be made in pursuance of *The Act Respecting Short Forms of Mortgages* and the premises to be insured to the extent of at least two-thirds of the cash value of buildings, plant and machinery. The said sum of \$10,000.00 to be advanced as follows : firstly, a sum sufficient to cover site of factory when purchased, secondly, such sums from time to time as may be required to pay for work, materials, machinery and cost of removal if required not to exceed \$5,000.00 and the balance of the sum of \$10,000.00 to be advanced and used for the purpose of the said business as follows, \$4,000.00 when the factory is in operation as a going concern and carpet is being manufactured on the premises, and the balance at the expiration of 30 days after the completion of the building there being no liens or encumbrances appearing against the premises, machinery or plant. The said corporation of the town of Milton to exempt the said premises from all taxes, except school taxes, for ten years, and renewable until the completion of the said agreement, and to grant to the said E. Syer for the term of twenty years the use of town water through a one-inch pipe for factory purposes whenever the supply in the town reservoir is within one foot of the overflow, and to pay her the sum of \$30 per annum to cover the cost of pumping water from the creek.

And whereas it will be requisite to raise annually during the term of twenty years by special rate for paying the said debt and interest the sum of \$735.82.

And whereas it will be requisite to raise the several sums in each year respectively set forth in the schedule to this by-law.

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment amounts to \$415,685.

And whereas the existing debenture debt of this municipality amounts to \$40,519.27, and no principal or interest is in arrear.

Therefore the municipal corporation of the town of Milton enacts as follows :—

1. It shall be lawful for the mayor of the said town of Milton, for the purpose aforesaid to borrow the said sum of \$10,000.00 and to issue debentures for the said municipality to the amount of \$10,000.00 in sums of not less than \$100.00 each and which shall be payable in the manner for the amounts and at the times set forth in the schedule to this by-law, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

2. The said debentures shall have attached to them coupons for the payment of interest at the rate of four per cent. per annum, which coupons shall be signed by the mayor and treasurer of the said town and shall be made payable on the first day of July in each and every year during the continuance of the said debentures.

3. The said debentures shall bear date on the first day of July, 1900.

4. The principal and interest on said debentures to be issued under this by-law, shall be payable within twenty years from the time of their issue, and both the said principal and interest shall be payable at the Bank of Hamilton in the town of Milton.

5. There shall be levied and raised in each year by special rate on all the rateable property in the said municipality a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the same become respectively payable according to the schedule of this by-law.

6. This by-law shall take effect on the first day of June, 1900.

7. The votes of the ratepayers of the said municipality shall be taken on this by-law at the following times and places, that is to say:—on Friday the ninth day of March, 1900, at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day. For the East Ward at electric light office by Jas. Barber, deputy-returning officer. For the North Ward at the town hall by J. F. Little, deputy-returning officer. For the South Ward at the court house by R. J. McInnes, deputy-returning officer.

8. On Wednesday the seventh day of March, 1900, the mayor shall attend at the council chambers at two o'clock p.m., to appoint persons to attend at the various polling places at the final summing up of the votes by the clerk respectively on behalf of the persons interested in the promoting or opposing the passing of this by-law.

9. The clerk of the council of the said municipality shall attend at the council chambers, in the town of Milton, at two o'clock in the afternoon of the Saturday the 10th day of March, 1900, and shall sum up the number of votes for and against the by-law.

10. The following is a schedule of this by-law hereinbefore referred to.

Year.	Interest.	Principal.	Total.
1901.....	\$400 00	\$335 82	\$735 82
1902.....	386 57	349 25	735 82
1903.....	372 60	363 22	735 82
1904.....	358 07	377 74	735 81
1905.....	342 96	392 86	735 82
1906.....	327 24	408 58	735 82
1907.....	310 90	424 92	735 82
1908.....	293 90	441 91	735 81
1909.....	276 23	459 59	735 82
1910.....	257 84	477 98	735 82
1911.....	238 72	497 09	735 81
1912.....	218 84	516 97	735 81
1913.....	198 16	537 66	735 82
1914.....	176 66	559 16	735 82
1915.....	154 30	581 52	735 82
1916.....	131 03	604 78	735 81
1917.....	106 83	628 98	735 81
1918.....	81 67	654 14	735 81
1919.....	55 51	680 31	735 82
1920.....	28 30	707 51	735 81

11. The lands used for factory site, and the buildings, plant and machinery of the said E. Syer shall, subject to the terms, conditions and provisos in said agreement set out, be exempt from taxation for the term of ten years from the first day of September, 1900, on all rates assessable by the corporation of the town of Milton, except school taxes.

12. The corporation of the town of Milton shall, subject to the terms, conditions and provisos in said agreement set out, grant to the said E. Syer for the term of twenty years from the first day of September, 1900, the use of town water through a one-inch pipe for factory purposes, whenever the water supply in the town reservoir is within one foot of the overflow pipe, and shall pay to her the sum of \$30 per annum during the said term of twenty years, to cover cost of pumping water from the creek.

Dated at the Town of Milton this 21st day of February, A.D. 1900.

SCHEDULE

## SCHEDULE B.

## (Section 1.)

This agreement made (in duplicate) this, fifteenth day of February, A.D. 1900, between E. Syer, of the town of Port Hope, in the county of Durham, carpet manufacturer, of the first part, and the municipal corporation of the town of Milton, of the second part,

Witnesseth that the said parties hereto. for themselves, their heirs, successors, and assigns, do hereby mutually promise and agree to and with each other in manner and form as follows :

The said party of the first part agrees

(Firstly) To purchase a suitable site, centrally located, within the limits of the town of Milton, and erect thereon a substantial stone and brick building, with fire-proof metal or gravel roof, to cost not less than \$3,000.00, and to place therein the plant now owned by her, and such other machinery as may be necessary for the manufacture of carpets, the total equipment, including building and site, to be of not less value than \$10,000, of which valuation the plant at present owned by the said party of the first part shall be taken at \$6,000.00, and the balance of such valuation shall be proved by expenditure vouchers thereon, such building and machinery to be free from all liens and encumbrances of every kind other than the mortgage hereinafter mentioned.

(Secondly) The said party of the first part shall erect and complete such building, and shall place said machinery therein and have the same in full operation as a going concern by the first day of September, A. D. 1900, and shall without any default whatever during the term of twenty years from the said first day of September, A. D. 1900, employ in said business in the town of Milton not less than forty employees on the average in each month, and shall pay in wages a sum averaging not less than \$8,000.00 per annum, the calculation as to number of employees and wages to be made as hereinafter provided.

(Thirdly) The said party of the first part, upon the purchase of the site upon which said carpet factory is to be so erected, shall execute and deliver to the said party of the second part, a first mortgage on the said premises, including the boiler, engine, steam heating apparatus, and fixed and moveable and all other fixtures to be subsequently placed upon the said premises in connection with the said business, free from all other encumbrances, for the sum of \$10,000.00, as a guarantee of good faith and for the faithful performance of all the conditions and covenants binding upon her in this agreement until the discharge of the said mortgage as hereinafter provided, and to secure the repayment of the sum of ten thousand dollars without interest, to be advanced by the said party of the second part as hereinafter provided, the said sum of \$10,000.00 to be paid in twenty equal annual instalments of \$500.00 each, to be paid on the first day of September in each and every year until the whole sum of \$10,000.00 is fully paid, the first of such payments to be made on the first day of September, 1901. The said mortgage shall be prepared or made in pursuance of *The Act Respecting Short Forms of Mortgages* and shall contain the usual covenants contained in such mortgages, that is to say, for payment, title, right to convey, quiet possession on default, freedom from encumbrance, further assurance, that no act to encumber has been done, for insurance to extent of at least two-thirds of the cash value of buildings, plant and machinery on the mortgaged premises, and should the said buildings, plant and machinery be totally or partially destroyed, the proceeds of any policy or policies thereon shall be applied to the repair or rebuilding of the said premises and the restoration of the said plant and machinery subject to the supervision of said application by the said parties of the second part, a release of all claims subject to proviso for repayment, a power of sale on default for three months on one month's notice, that until default mortgagor to have quiet possession, and that on default of payment of any instalment of principal or any portion of the same for four months the whole of the principle secured by the said mortgage shall become due and payable. The said mortgage shall provide that all the terms,



terms, conditions and provisions of this agreement (so far as the same may be applicable to both parties hereto) shall be incorporated in and form a part of the said mortgage, until the same be discharged as hereinafter provided. The said mortgage shall further provide that the said party hereto of the first part shall, after the expiration of ten years from the first day September, 1900, have the privilege of making additional payments of not less than \$500.00 at the time of making any of the aforesaid annual payments, and the said party of the second part shall allow on such additional sum or sums so paid interest at the rate of four per cent per annum for the unexpired term of the said mortgage, and the said mortgage shall be discharged on payment of the entire principal money secured thereby less the rebate if any as aforesaid.

(Fourthly) The said party of the first part shall during the said term of twenty years keep proper books of account of wages paid and persons employed, to be verified by a statutory declaration to be made by the party of the first part, her book-keeper or the person employed by her in keeping the account of the wages paid, and at the end of each successive period of five years beginning on the first day of September, A. D., 1900, an examination of the books of the said party of the first part shall be made on behalf of the said party of the second part by one or two auditors appointed by the said party of the second part for such purpose, and the said party of the first part shall render all necessary assistance and if it shall appear that during such period of five years next preceding such examination, the average number of employees of the said party of the first part has been less than forty on the average in each month during such period of five years, then the said party of the second part shall be entitled to realize from the said party of the first part as liquidated damages for such default at the rate of \$10.00 per annum for each employee short of said average number of forty to be so employed as hereby required, and further if it should appear on said examination that the average yearly amount paid for wages by the said party of the first part, has been less than \$8000.00 during such period of five years, then the said party of the second part shall be entitled to realize from the said party of the first part as liquidated damages for such default at the rate of \$10.00 for each \$200.00 short of the said yearly average of \$8000.00 provided always, and it is hereby understood and agreed by and between the parties hereto, anything herein contained to the contrary in anywise notwithstanding, that should said mortgage be discharged before the expiration of said term of twenty, as hereinbefore provided, then and in such case, the average of employees engaged and wages paid shall be based on periods of three years instead of five years as hereinbefore provided and the audits shall be made at the end of periods of three years.

(Fifthly) In the event of default being made during the currency of the said mortgage in any of the terms and conditions set out to be observed and performed by the said party of the first part under this agreement, then and in such case the party hereto of the second part shall have the right to recover as liquidated damages the several sums set out in this agreement in reference to such default, and for such purpose may exercise all their rights and remedies as mortgagees under said mortgage until the discharge thereof, in as full and ample a manner to recover said sums as if default had been made in payment of moneys secured by the said mortgage. and this clause may be pleaded as an estoppel to any defence preventing the said parties hereto of the second part from proceeding to realize said sums under said mortgage during such time.

(Sixthly) The said party of the first part shall reside in the town of Milton, and shall concentrate all her manufacturing interests therein, and shall have no branch factory elsewhere during the said term except temporarily with the consent of the said party of the second part.

The said party of the second part agrees to submit a by-law to the ratepayers entitled to vote on money by-laws to authorize the issue of debentures for the purpose of raising the said sum of \$10,000 00 and will endeavor to obtain the enactment of legislation at the next ensuing session of the Legislature of the Province of Ontario confirming such by-law, and will upon the passing of such by-law and the confirmation thereof by the  
Legislature

Legislature by the Province of Ontario and upon the execution and delivery to them of a mortgage for \$10,000.00 to be made by the said party hereto of the first part as hereinbefore provided, loan the said sum of \$10,000.00 to the said party of the first part to be repaid by the said party of the first part without interest as aforesaid.

The said mortgage moneys shall be advanced by the said party of the second part as follows, firstly, a sum sufficient to cover cost of site of factory when purchased, secondly, such sums from time to time as may be required to pay for work actually done, materials actually used, machinery newly purchased and placed upon the said premises, and cost of removal if required, which said moneys are to be paid on certificates or vouchers satisfactory to the Mayor of said corporation. in all, including site of factory not to exceed the sum of \$5000.00, and the balance of the said sum of \$10,000.00 to be advanced and used for the purpose of said business as follows, that is to say, \$4000.00 part thereof when the said factory is in operation as a going concern and carpet is being manufactured on the premises, and the remaining part of said advance of \$10,000.00 at the expiration of thirty days after the completion of the said building under the original contracts therefor and there being no liens or encumbrances appearing against the said premises, machinery or plant.

The said party of the second part further agrees to grant exemption from taxation on all rates except those for school purposes on the said premises for the term of ten years conditioned on the performance of this agreement by the said party of the first part and renewable until the completion thereof.

The said party of the second part further agrees to grant to the said party of the first part for the said term of twenty years the use of the town water through a one-inch pipe for factory purposes, whenever the supply in the town reservoir is within a foot of the overflow, and to pay to the said party of the first part the sum of thirty dollars per annum during the said term to cover cost of pumping water from the creek, conditioned on the performance of this agreement by the said party of the first part.

And it is further agreed by and between the parties hereto that if the said party of the second part should submit such by-law, and if such by-law should not receive a vote sufficient to carry any money by-law as provided by *The Municipal Act*, or if the legislature of the province of Ontario should refuse to confirm the said by-law, then this agreement shall be null and void and of no effect and the parties thereto shall be released from all liability or obligation thereunder.

In witness whereof the said party hereto of the first part has hereunto set her hand and seal and the corporation of the town of Milton by the hands of the mayor and clerk and the corporate seal.

Signed, sealed and delivered  
in the presence of

W. S. CLARKE.

CORPORATE  
SEAL.

E. SYER. [SEAL.]

J. S. DEACON,  
Mayor.

R. WATES,  
Clerk.

## CHAPTER 79

## An Act respecting the Town of Oshawa.

*Assented to 30th April, 1900.*

## Preamble

WHEREAS the Municipal Corporation of the Town of Oshawa has by petition represented that the said Corporation duly passed a by-law entitled, "By-law No. 477 of the Corporation of the Town of Oshawa to aid Smith & Co. in the erection of a canning and preserving factory by a money grant," a copy whereof is set out in Schedule "A" to this Act; that said by-law was duly, on the 1st day of January, 1900, submitted to a vote of the ratepayers of the said Corporation entitled to vote on money by-laws under the provisions of *The Municipal Act*, whereupon a majority of over two-thirds of such ratepayers voted in favour thereof; that the establishment of a canning and preserving industry in Oshawa would be of great advantage to the town, and that there is no competing industry therein or within a considerable distance thereof; and whereas the said Municipal Corporation has by petition further represented that a certain firm known as "The McLaughlin Carriage Co." have for many years past carried on business as carriage manufacturers at Oshawa, and had there established and were carrying on a large trade and employing a large number of operatives—the pay roll of which averaged about \$100,000 per annum—that the factory of the said McLaughlin Carriage Company was totally destroyed by fire on the night of the 7th day of December, 1899; that by reason of such fire about 300 persons were thrown out of employment; that the said carriage company had never received any bonus or aid from said town, although they had been carrying on business therein upon a continually increasing scale for over twenty years; that the said company have offered to rebuild their factory at Oshawa on a greatly extended scale if assisted by said Corporation with a loan of \$50,000; that nearly all the employees of the said firm are ratepayers of Oshawa, and many of them freeholders therein; that the removal of the said carriage manufactory from Oshawa would be most disastrous, and that it is most important that said carriage manufactory and business of said company should be retained therein, and that there is no competing industry in said town; and that the said Corporation has accordingly duly passed a by-law intituled, "By-law No. 480 of the Corporation of the Town of Oshawa to grant \$50,000 by way of loan to the McLaughlin Carriage Company," a copy whereof is set out in Schedule "B" to this Act; that said last-mentioned by-law

was



was, on the 13th day of January, 1900, duly submitted to a vote of the ratepayers of the said Corporation entitled to vote on money by-laws under the provisions of *The Municipal Act*, and the same was approved of by a majority largely in excess of two-thirds of such ratepayers, there having been but ten votes recorded against the same; and whereas the said Corporation has prayed that an Act may be passed validating and confirming the said two recited by-laws and the debentures to be issued thereunder respectively; and whereas the said Corporation has by petition further represented that the said Corporation, being desirous of constructing a system of water works and sewers in the said town, on or about the 23rd day of January, 1899, duly passed a by-law of said Corporation, being by-law No. 460, authorizing the issue of debentures for the sum of \$110,000 for such purposes, which said by-law was duly confirmed and legalized by an Act of the Legislature passed at the second session held in the 62nd year of Her Majesty's reign, chaptered 65; that the said sum of \$110,000 was at the time of the passing of the said last-mentioned by-law considered sufficient for the purposes of said water works and sewers; that, however, differences of opinion as to the best method of constructing the said water works and sewers have arisen, and before the same could be adjusted the market prices of material necessary for the construction thereof were raised beyond the estimate upon which the said by-law was passed, rendering it at present impossible for the said corporation to proceed with the construction of the said water works and sewers, and that none of the debentures issuable under the said last-mentioned by-law and the said Act have been issued, and in order, so far as may be, to save the expense of a new by-law and further legislation it is desirable that the time for the issue of the said debentures should be extended, and whereas the said Corporation has by petition prayed that an Act may be passed for such extension or for other suitable relief; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 477 of the Municipal Corporation of the Town of Oshawa, set out in Schedule "A" to this Act, and by-law Number 480 of the said municipal corporation, set out in Schedule "B" to this Act, are hereby respectively confirmed and declared to be legal, valid and binding upon the said the Municipal Corporation of the Town of Oshawa and the ratepayers thereof, notwithstanding any want of power or jurisdiction on the part of the said municipal corporation to pass the said by-laws or either of them, and notwithstanding any defect in substance or in form of the said by-laws or either thereof, or in the manner of passing the same or either thereof; and the

By-laws 477 and 480 granting aid to Smith & Co., and McLaughlin Carriage Co. confirmed.

the said the Municipal Corporation of the Town of Oshawa is hereby authorized to issue debentures as provided for by said by-laws Numbers 477 and 480 and each of them respectively; and the said debentures so issued in pursuance of the said by-laws respectively are hereby confirmed and declared to be legal, valid and binding upon the said the Municipal Corporation of the Town of Oshawa, and the said Corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out and giving effect to the said by-laws Numbers 477 and 480 respectively.

Inconsistent provisions in Rev. Stat. c. 223, not to apply to by-laws.

2. Any provisions contained in *The Municipal Act*, or in any Act, which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the said by-laws No. 477 and No. 480, respectively, or to either of them, or to the debentures issued under them, or either of them, and no irregularity in the form of such debentures issued pursuant to the said by-laws No. 477 and No. 480 or either of them shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation of the Town of Oshawa for the recovery of the amount of the said debentures and interest thereon or any or either of them or any part thereof, and the purchaser or holder of any of such debentures shall not be bound to enquire as to the necessity for the issue of such debentures or as to the application of the proceeds thereof.

Authority to issue debentures for water-works and sewers under 62 V. (2) cap. 65.

3. The Council of the Corporation of the said Town of Oshawa may for the purposes of constructing waterworks and sewers at any time within twenty years from the passing of this Act pass a By-law providing for the issue of debentures to the amount authorized by said recited By-law Number 460 of the said corporation and the said Act passed at the second session held in the 62nd year of Her Majesty's reign, chapter 65, notwithstanding that the period for the issue of such debentures as authorized by said By-law No. 460 and the said Act shall or may have expired, and upon the passing of such By-law as is hereby authorized may for the purposes aforesaid issue debentures of the said corporation to the amount authorized by said By-law No. 460 and the said Act payable in the manner and for the amounts set out in the said By-law No. 460 and the said Act—the first of such debentures hereby authorized to mature and be payable on the first anniversary of the date of the passing of the By-law hereby authorized and the remainder on each of the then following thirty-nine consecutive anniversaries thereof, and to be for the amounts payable in each of the forty years respectively as set out in the Schedule to the said By-law No. 460 and the said Act—and all the provisions of the said By-law No. 460 and of the said Act chapter 65 shall *mutatis mutandis* apply to the debentures hereby authorized to be issued.

4. The said council of the Corporation of the Town of Oshawa instead of passing a By-law as provided for in the last preceding section of this Act may at any time within twenty years from the passing of this Act pass a By-law for the issue of debentures to such an amount as may be requisite for the purposes of constructing waterworks and sewers for said Town of Oshawa, the payment of such debentures to extend over the period of forty years—provided that no such By-law shall be passed until the same shall have received the assent of the majority of the ratepayers of the said town who are entitled to vote in the case of By-laws for the creation of debts, in the manner required by *The Municipal Act* and amendments thereof, and save as otherwise provided by this Act all the clauses of *The Municipal Act* relating to the creation of debts, the issue of debentures, and the time and manner of repayment of the same shall apply and be read as applying to the debentures authorized to be issued by this section—and no irregularity in the form of debentures to be issued under the By-law by this section authorized shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of such debentures and interest or any or either of them or of any part thereof—and the purchaser or holder of any of such debentures shall not be bound to enquire as to the necessity for the issue of such debentures or as to the application of the proceeds thereof—and the same may be at the option of the council issued in one sum or in the manner *mutatis mutandis* provided for by said Act passed in the 62nd year of Her Majesty's reign, chaptered 65.

Powers to issue debentures for water-works and sewers under new by-laws.

Assent of electors.

Rev. Stat. c. 223.

## SCHEDULE A.

BY-LAW No. 477 OF THE CORPORATION OF THE TOWN OF OSHAWA TO AID SMITH & Co. IN THE ERECTION OF A CANNING AND PRESERVING FACTORY BY A MONEY GRANT.

Whereas Messrs. Mark F. Smith, Charles A. Smith and Wm. Smith, all of Port Hope, in this Province, have represented to the council of this Corporation that they intend to embark in business as canners and preservers of fruits, vegetables and meats; that they intend to employ in such business a cash capital of at least \$20,000, and that the property in Oshawa formerly known as "The Dingle Implement Factory" is, with an additional acre of land to the north thereof, a suitable site for such business;

And whereas the said Smith & Co. also agree with said corporation that if placed in possession of such site by proper conveyance they will forthwith equip the same as a first-class canning and preserving factory, duly fitted with all the latest and most improved machinery for canning and preserving and for making cans, and to put in two new boilers and engines and build three extensions to the present brick building, so that the same when complete will have cost at least \$10,000. And also that they will employ an average of not less than 75 operatives for 10 months in each year for 10 years from the 1st day of July, 1900, and will pay out for product at least \$30,000 in each year, and \$10,000 for wages in each year for said 10 years, and have agreed to secure the due performance of

said



said agreement by a first mortgage of their factory premises to the satisfaction of the council of said corporation, and in order to aid them in the establishment of said business have requested this corporation to make them a grant of \$5,000, out of which sum the purchase money of the site is to be paid ;

And whereas options have been secured for the purchase of said site at satisfactory prices ;

And whereas there is no similar industry in said town, nor for a large radius of country surrounding the same ;

And whereas the establishment of such factory would be of great benefit to the town, and largely signed petitions for the submission of a by-law granting such aid have been submitted to the council ;

And whereas in order to granting such aid it will be necessary to raise by the issue of debentures the sum of \$5,000 ;

And whereas to that end it will be requisite to raise by special rate in each year, for the period of 20 years, for paying said debt and interest at 4 per cent. per annum in instalments according to the terms of this by-law, so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be for what is payable for principal and interest during each of the other years of such period ; the several sums of principal and interest set out in the schedule to this by-law ;

And whereas the amount of the whole rateable property of the town of Oshawa according to the last revised assessment roll is \$1,126,195 ;

And whereas the amount of the existing general debenture debt of the town of Oshawa, exclusive of local improvement debt secured by special acts, rates or assessments, \$35,999.82 for principal and \$18,639.61 for interest, and there is no part of principal or interest of said debenture debt in arrear ;

Therefore the municipal council of the corporation of the Town of Oshawa enacts as follows :

1. For the purposes aforesaid it shall be lawful for the mayor of the town of Oshawa to borrow the sum of five thousand dollars and to issue debentures of the corporation or municipality of Oshawa therefor in sums of not less than \$100 each, which debentures shall bear date on the day on which this by-law takes effect, and shall be made payable on each anniversary thereof for twenty years therefrom, and shall bear interest at the rate of four per cent. per annum, payable yearly from said date during the currency of the said debentures, and the same may be issued for the total amount of each yearly payments respectively, or have coupons attached for the payment of such interest as the council may direct, and the said debentures shall be payable in the manner, for the amounts and at the times set out in said schedule, and shall be payable as to principal and interest at the office of the treasurer of the town of Oshawa.

2. It shall be lawful for the mayor of said corporation, and he is hereby authorized and directed to sign and issue the said debentures and to cause the interest coupons, if such are issued, attached thereto, to be signed by the treasurer of said corporation, and the clerk thereof is hereby authorized and instructed to attach the seal of said municipality to said debentures.

3. There shall be raised and levied in each of the years in which any of said debentures shall become payable by a special rate on all the rateable property in the said municipality, a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as set out in and according to said schedule.

4. This by-law shall not take effect until the same shall have been approved of, sanctioned and ratified by a special Act of the Legislature of the Province of Ontario, and shall take effect on the date of the passage of such an Act.

5. The said moneys, or any part thereof, shall not be paid over to the said Smith & Co. until they shall have become bona fide owners in fee simple of the said site and the whole thereof, and shall have erected and equipped a canning and preserving factory costing with said site at least \$10,000 as aforesaid, and shall have produced to the said council the vouchers showing such expenditure verified by statutory declaration, nor until they shall have executed and delivered to the said corporation a  
first

first mortgage or mortgages of said site and plant, containing all necessary bars of dower and insurance covenant and all other usual statutory provisions and covenants and conditions for the due performance of the said agreement of said Smith & Co. according to the true intent and meaning thereof, such mortgage to be to the satisfaction of the said council and their solicitor.

6. The votes of the qualified electors of said municipality on this by-law shall be taken on Monday, the 1st day of January, 1900, and the polls shall be opened at the hour of 9 o'clock a.m., and closed at the hour of 5 o'clock p.m., and the polling divisions and places for taking such votes and the deputy returning officers shall be as follows, viz:

For the district or part of the said town known as the South West Ward, the Sons Hall School house, and Mr. J. O. Guy shall be deputy returning officer thereat.

For the district or part of the town known as the South East Ward, the Albert street school house, and Mr. J. Beaton shall be deputy returning officer thereat.

For the district or part of the said town known as the North West Ward, the Town Hall, and Mr. R. J. Mackie shall be deputy returning officer thereat.

For the district or part of the town known as the North East Ward, the Mary street school house, and Mr. J. A. Thompson shall be deputy returning officer thereat.

7. The head of the said corporation shall attend at the office of the clerk thereof on Friday, the 29th day of December, 1899, at the hour of 10 o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

8. The clerk of said corporation shall attend at the council chamber on Wednesday, the 3rd day of January, 1900, at the hour of 10 o'clock in the forenoon, and sum up and declare the number of votes for and against the by-law, and shall then and there declare the result, and shall forthwith certify to the Council under his hand the result, according to the Statutes in such case made and provided.

Schedule to the above by-law.

Interest.	Principal.	Total.	Ag. Principal.
1901—\$200 00	\$167 91	\$367 91	\$167 91
1902— 193 28	174 63	367 91	342 54
1903— 186 29	181 62	367 91	524 16
1904— 179 04	188 87	367 91	713 03
1905— 171 48	196 43	367 91	909 46
1906— 163 62	204 29	367 91	1,113 75
1907— 155 45	212 46	367 91	1,326 21
1908— 146 96	220 95	367 91	1,547 16
1909— 138 12	229 79	367 91	1,776 95
1910— 128 93	238 98	367 91	2,015 93
1911— 119 37	248 54	367 91	2,264 47
1912— 109 42	258 49	367 91	2,522 96
1913— 99 08	268 83	367 91	2,791 79
1914— 88 33	279 58	367 91	3,071 37
1915— 77 15	290 76	367 91	3,362 13
1916— 65 52	302 39	367 91	3 664 52
1917— 53 42	314 49	367 91	3,979 01
1918— 40 84	327 07	367 91	4,306 08
1919— 27 76	340 15	367 91	4,646 23
1920— 14 15	353 77	367 92	5,000 00

\$5,000 00

Jan. 8th, 1900.—By law read a third time and passed.

(Sd) THOS. MORRIS,  
Town Clerk.

(Sd) FRED. L. FOWKE,  
Mayor.

L.S.

## SCHEDULE B.

BY-LAW No. 480 OF THE CORPORATION OF THE TOWN OF OSHAWA TO GRANT \$50,000.00 BY WAY OF LOAN TO THE McLAUGHLIN CARRIAGE COMPANY.

Whereas Robert McLaughlin, Geo. W. McLaughlin, Robert Samuel McLaughlin, Mary McLaughlin and Lizzie Owens (formerly Lizzie McLaughlin) carrying on trade and business in partnership as carriage manufacturers under the style or firm of "The McLaughlin Carriage Co." have for many years carried on such business at their factory in Oshawa, and had there established and were carrying on a very large trade, and were employing a large number of operatives, the pay roll of whom at the date of the fire hereinafter mentioned averaged about \$100,000.00 per annum.

And whereas the factory of said company was totally destroyed by fire on the night of the 7th day of December, 1899.

And whereas by such calamity about 300 persons have been thrown out of employment and their houses rendered of less value, and unless said factory be rebuilt there will necessarily be a large reduction in the value of property in said town.

And whereas the said company has never received any bonus from said town though the founder thereof, said Robert McLaughlin, has been engaged in such business for over twenty years therein.

And whereas said company have intimated their willingness to rebuild their factory at Oshawa and to erect for such purpose a factory equal to about 700 feet long and 50 feet wide and three stories high, and therein carry on their said business on a scale commensurate thereto, provided they be aided by said corporation with a loan of \$50,000.00 without interest, the principal thereof to be repaid in accordance with the terms of payment of the instalments of principal of the debentures hereinafter provided for.

And whereas it is desirable to aid said company by such loan.

And whereas in order to granting such aid it will be necessary to raise such sum by the issue of debentures for \$50,000.00.

And whereas to that end it will be requisite to raise by special rate in each year, for the period of twenty years for paying said debt and interest at 4 per cent. per annum in instalments according to the terms of this by-law, so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be for what is payable for principal and interest during each of the other years of such period, the several sums of principal and interest set out in the schedule to this by-law respectively,

And whereas the amount of the existing general debenture debt of the town of Oshawa, exclusive of local improvement debts secured by special Acts, rates or assessments is \$35,001.33 for principal, and \$18,639.61 for interest, and there is no part of principal or interest of said debenture debt in arrear.

And whereas the amount of the whole rateable property of the town of Oshawa, according to the last revised assessment roll, is \$1,126,195.

Therefore the municipal council of the corporation of the town of Oshawa enacts as follows:—

1. For the purposes aforesaid it shall be lawful for the mayor of the town of Oshawa to borrow the sum of fifty thousand dollars (\$50,000.00) and to issue debentures of the corporation or municipality of Oshawa therefor in sums of not less than \$100.00 each, which debentures shall bear date on the date on which this by-law takes effect, and shall be made payable on each anniversary thereof for twenty years therefrom, and shall

bear



bear interest at the rate of four per cent. per annum, payable yearly from said date, during the currency of the said debentures, and the same may be issued for the total amount of each yearly payment respectively, or have coupons attached for the payment of such interest as the council may direct, and the said debentures shall be payable in the manner, for the amounts and at the times set out in said schedule, and shall be payable as to principal and interest at the office of the treasurer of the town of Oshawa.

2. It shall be lawful for the mayor of said corporation and he is hereby authorized and directed to sign and issue the said debentures and to cause the interest coupons, if such are issued, attached thereto, to be signed by the treasurer of said corporation and the clerk thereof is hereby authorized and instructed to attach the seal of said municipality to said debentures.

3. There shall be raised and levied in each of the years in which any of said debentures shall become payable by a special rate on all the rateable property in the said municipality, a sum sufficient to discharge the several instalments of principal and interest accruing due on the said debt as set out in and according to said schedule.

Provided however that the moneys payable by said company or their heirs, representatives or assigns, as hereafter set out, being the several instalments of principal set out in said schedule shall be applied *pro tanto* in payment of said debentures and it shall not be necessary to levy any rate for such amount of principal in any year in which said payments shall have been made, and the said corporation has sufficient money from that source in hand to pay said sums of principal, and if part of said principal only is so paid in any year then it shall only be necessary to raise the balance and the sum payable for interest in such year by special rate.

4. This by-law shall not take effect until the same shall have been approved of, sanctioned and ratified by a special act of the legislature of the province of Ontario, and shall take effect on the date of the passage of such an act.

5. The said sum shall be paid over to the said the McLaughlin Carriage Company when they shall have become bona fide owners in fee simple free from encumbrance of the site upon which they propose to re-build their said factory in Oshawa, and shall have built thereon a brick factory equal to about 700 feet long and 50 feet wide and three stories high, in accordance with their proposition and shall have fitted the same with suitable machinery of all kinds necessary for the manufacture of carriages and other vehicles as heretofore carried on by said company on a scale commensurate with the size of such building, and shall have executed and registered and delivered to said corporation a first mortgage of said site, factory and machinery and plant as a going concern, securing the due payment of the annual sums required to pay the principal of such debentures as set out in said schedule—such mortgage to contain bar of all dowers and power of sale and all usual covenants and provisos, including the usual covenant to insure said buildings and machinery and plant to the insurable value thereof or to the extent of the amount of the loan unpaid—the policy or policies to be duly assigned to said corporation. Also a proviso that on default of payment of any instalment the whole unpaid instalments shall become due and the personal covenant for payment of the several members of the said company and such other powers, covenants and agreements as may be reasonably required and to the satisfaction of the council and the town solicitor.

Provided, however, that the mayor may, with the approval of the council, advance the said company a portion or portions of such moneys as the erection of the buildings is or may be proceeded with from time to time, on receiving such mortgage and insurance policy or policies, if any, on the part built to the insurable value thereof, such advances, if any, not to be greater than the value of the building then erected and machinery placed therein.

6. By-law No. 471 of this corporation, passed on the 18th day of July, 1899, providing for the assessment and taxation of the works of said company is hereby ratified and confirmed and declared applicable to the proposed new factory.

7. The votes of the qualified electors of said municipality on this by-law shall be taken on Saturday, the 13th day of January, 1900, and the polls shall be opened at the hour of 9 o'clock, a.m., and closed at the hour of 5 o'clock, p.m., and the polling divisions and places for taking such votes and the deputy returning officers shall be as follows, viz. :—

For the district or part of the town known as the south west ward, the Sons' hall school-house, and Mr. J. O. Guy shall be deputy returning officer thereat.

For the district or part of the town known as the south east ward, the Albert street school-house, and Mr. J. S. Beaton shall be deputy returning officer thereat.

For the district or part of the town known as the north west ward, the town hall, and Mr. J. H. Butler shall be deputy returning officer thereat.

For the district or part of the town known as the north east ward, the Mary street school-house, and Mr. S. T. Hilman shall be deputy returning officer thereat.

8. The head of the said corporation shall attend at the office of the clerk thereof on Wednesday, the 10th day of January, 1900, at the hour of 10 o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

9. The clerk of said corporation shall attend at the council chamber on Monday, the 15th day of January, 1900, at the hour of 10 o'clock in the forenoon, and sum up and declare the number of votes for and declare the result, and shall then and there declare the result and shall forthwith certify to the council under his hand the result, according to the statute in such case made and provided.

<i>Year.</i>	<i>Interest.</i>	<i>Principal.</i>	<i>Total.</i>	<i>Principal Paid.</i>
1901 .....	\$2000.00	\$1679.09	3679.09	1,679.09
1902 .....	1932.85	1746.25	3679.10	3,425.34
1903 .....	1862.99	1816.10	3679.10	5,241.44
1904 .....	1790.35	1888.75	3679.10	7,130.19
1905 .....	1714.80	1964.30	3679.10	9,094.49
1906 .....	1636.23	2042.87	3679.10	11,137.36
1907 .....	1554.52	2124.58	3679.10	13,261.94
1908 .....	1469.53	2209.57	3679.10	15,471.51
1909 .....	1381.15	2297.95	3679.10	17,769.46
1910 .....	1289.24	2389.86	3679.10	20,159.32
1911 .....	1193.64	2485.46	3679.10	22,644.78
1912 .....	1094.22	2584.88	3679.10	25,229.66
1913 .....	990.82	2688.28	3679.10	27,917.94
1914 .....	883.30	2795.80	3679.10	30,713.74
1915 .....	771.47	2907.63	3679.10	33,621.37
1916 .....	655.16	3023.94	3679.10	36,645.31
1917 .....	534.21	3144.90	3679.11	39,790.21
1918 .....	408.42	3270.69	3679.11	43,060.90
1919 .....	277.59	3401.52	3679.11	46,462.42
1920 .....	141.53	3537.58	3679.11	50,000.00

\$50,000.00

Oshawa, Dec. 20th, 1899.

By-law read a first and second time this 20th day of December, 1899.

(Sd) THOS. MORRIS,  
Town Clerk.

Read a third time and passed this 23rd day of January, 1900.

(Sd) FRED L. FOWKE,  
Mayor.

(Sd) THOS. MORRIS, (L.S.)  
Town Clerk.

## CHAPTER 80

## An Act respecting the City of Ottawa.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the City of Preamble.  
Ottawa has by petition represented that the said Corporation was authorized by Act of the Legislature of the Province of Ontario, being chapter 75 of 57 Victoria, to borrow a sum of money not exceeding \$50,000 to be expended in the construction of a main or trunk sewer or sewers in Dalhousie Ward of the said city, and to issue debentures therefor without submitting any by-law in connection therewith to or obtaining the assent thereto of the ratepayers of the said city; and whereas subsequently it was decided instead of constructing a sewer or sewers sufficient only for the purposes of Dalhousie Ward aforesaid to construct a system of sewer or sewers of sufficient capacity to drain the entire undrained portion of the said City of Ottawa including Dalhousie Ward aforesaid; and whereas afterwards on the 26th day of September, 1898, the said council passed a by-law numbered 1858 authorizing the construction of the said last mentioned system of drainage defining the route thereof, and providing for the issue of debentures to the amount of \$425,000 to cover the cost of the construction thereof; and whereas it has since been discovered that the cost of the construction of the said system of drainage will exceed the said sum of \$425,000, and that it will be necessary to expend thereon an additional sum of \$50,000; and whereas doubts have arisen as to whether the said corporation has authority under the said Act of the Legislature to borrow, without submitting a by-law in connection therewith to or obtaining the assent thereto of the ratepayers, the sum of \$50,000 to be applied towards the construction of the said general system of drainage; that it has been found desirable to alter in part the route of the said system of drainage and to construct a portion of the same through a part of the Township of Gloucester adjoining the said City of Ottawa; and whereas such alteration of route will increase the cost of the said system of drainage by \$30,000; and whereas it is in the interest of the ratepayers of the said City of Ottawa that the said alteration in the route of the said system of main drainage should be made and that the construction of the same should be completed without delay and that the said corporation should be authorized to borrow the sum of \$80,000 to provide for the cost thereof, and to issue debentures therefor without submitting



submitting any by-law in connection therewith to, or obtaining the assent thereto of the ratepayers of the said city and has prayed that an Act may be passed for the said purposes and other purposes; and whereas no opposition has been offered by or on behalf of any ratepayer or otherwise to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**Diverting  
route of drain-  
age system.**

1. The said Corporation may alter the route of the said system of main drainage now under construction in the said City of Ottawa from that defined and described in the said by-law numbered 1858 to that following, that is to say :—

“From Bell Street, along Emily to Concession, southerly on Concession to Archibald, easterly along Archibald to Bank, southerly on Bank to Isabella, on Isabella between Bank and Elgin Streets, northerly on Elgin Street to Archibald Street, on Archibald from Elgin to Cartier, on Cartier from Archibald to Frank, on Frank from Cartier to Robert Street, on Robert Street from Frank to George Almond Street, on George Almond Street from Robert Street to Rideau Canal, crossing the Rideau Canal and Nicholas Street to Templeton Street produced, easterly along Templeton Street to Nelson, along Nelson from Templeton to Somerset, on Somerset from Nelson Street to Riverside Avenue, thence easterly crossing the Rideau River to a point on the eastern bank opposite Somerset Street, thence northerly across lots 6 and 7 in the Junction Gore of the Township of Gloucester to the intersection of the Russell and Montreal Roads, thence northerly along the Russell Road to its intersection with Beechwood Road, at a point 70 feet more or less east of the eastern end of St. Patrick Street bridge, thence westerly along the road allowance lying between the St. Lawrence and Ottawa Railway tracks and the Rideau River to Dufferin Road, and River Lane intersection, thence westerly along River Lane and John Street to the Ottawa River, outlet “D” being composed of 4,350 lineal feet of 4 feet 6 inches circular sewer, 6,300 lineal feet of 5 feet circular sewer, 9,100 lineal feet of 6 feet circular sewer, and 6,400 lineal feet of 7 feet circular sewer.”

And may construct the same along the said route and in part through a portion of the Township of Gloucester lying east of the Rideau River instead of along that route defined and described in the said by-law, and for the purposes of such construction and the making of all necessary connections therewith, may authorize the entering upon, breaking up, taking or using any land in the said City of Ottawa or the said Township of Gloucester or adjacent thereto, but subject always to the payment of compensation to persons who may suffer injury therefrom.

2. Neither the Municipality of the said Township of Gloucester nor any owner or occupant of land or resident therein, or ratepayer thereof, shall connect any drain with that part of the said system of main drainage which may pass through the said Township of Gloucester, nor make any entrance or drain any lands into the same without the consent of the said Corporation. Provided, however, that the said Corporation may permit the municipality of the said Township of Gloucester to connect subsidiary drains constructed by the said municipality for the drainage of that portion of the Township of Gloucester through which the said system of main drainage may pass with the said system and the owners or occupants of lands in the said Township of Gloucester fronting on the said portion of the said system to drain their said lands into the same upon such terms and conditions and for such consideration as may be agreed upon between the said corporation and the said municipality of the Township of Gloucester, and provided further, that if at any time the said municipality shall desire to utilize the said system of main drainage for the said purposes or any of them and the said Corporation and the said municipality shall be unable to agree upon the consideration, terms and conditions upon which such use shall be permitted the same shall be referred to the determination and award of three arbitrators, one to be chosen by the said Corporation, another by the said Municipality of the Township of Gloucester, and the third by the other two arbitrators, and the decision or award of the arbitrators so chosen, or of two of them, shall be binding and conclusive on all parties and such arbitration shall be deemed to be subject to the provisions of chapter 62 of the Revised Statutes of Ontario or any statutory provision in force in Ontario relating to voluntary submission.

Drain connections in township of Gloucester.

3. The said Corporation may, should it decide to alter the route of the said system of main drainage as herein authorized, borrow a sum of money not exceeding \$80,000 in addition to the said sum of \$425,000 so authorized to be borrowed by the said by-law numbered 1858, to be expended on the completion of the construction of the said system of main drainage and the payment of the additional cost of the construction of the same to be caused by the said alteration of the route of the same and may issue debentures therefor payable in thirty years from the date of the issue thereof.

Power to borrow \$80,000 additional.

4. Should the said Corporation, however, decide not to alter the said route of the said system of main drainage, but to complete the construction of the same according to the present route, then the said corporation may nevertheless borrow a sum of money not exceeding \$50,000, in addition to the said sum of \$425,000, to be expended on the completion of the construction of the said system of main drainage according to the present route, and may issue debentures therefor payable in thirty years from the date of the issue thereof.

Alternative power to borrow \$50,000.

Assent of rate-  
payers not  
necessary.

5. The by-law or by-laws to be passed under the authority of this Act shall not require to be submitted to or to have the assent of the electors of the said City of Ottawa before the final passing thereof.

Irregularity  
not to  
invalidate.

6. No irregularity in the form of the said debentures or of the by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

## CHAPTER 81

An Act to enable the City of Ottawa to issue debentures to assist in defraying the losses occasioned by the late Fire.

*Assented to 30th April, 1900.*

Preamble.

WHEREAS on the twenty-sixth day of April, 1900, a disastrous fire broke out in the City of Hull, in the Province of Quebec, and spread to and overran a large part of the City of Ottawa in the Province of Ontario; and whereas many hundreds of the inhabitants of the said Cities of Ottawa and Hull and vicinity were rendered homeless by the said fire or were thrown out of employment owing to the destruction of of many lumbering and other manufacturing industries, and otherwise suffered great loss and damage; and whereas it is necessary and expedient that the Municipal Corporation of the City of Ottawa should be authorized as speedily as possible to take measures for raising funds for the relief of the sufferers by the said fire as well as to defray the loss which has been sustained by the municipality of Ottawa; and whereas it is deemed advisable in view of all the circumstances to enable the Municipal Corporation of the City of Ottawa to raise the sum of \$100,000 by the issue of debentures of the said city for the purposes aforesaid;

Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Debentures  
for \$100,000  
authorized.

1. It shall be lawful for the Municipal Council of the Corporation of the City of Ottawa from time to time to pass a by-law



by-law or by-laws for providing for the issue of debentures under the corporate seal, signed by the Mayor, and countersigned by the Treasurer for the time being, for such sums of not less than \$100 each, and not exceeding in the whole the sum of \$100,000, as the Council of the said Corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere.

2. The said council may raise money by sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys derived from such sale or hypothecation shall be applied towards the purposes of granting relief to sufferers by the said fire in the said cities and vicinity as set out in the preamble to this Act or to defray the loss and damage sustained on account of the said fire by the Municipality of Ottawa, either by the destruction of municipal or school property or otherwise, and towards the restoration of any such municipal or school property, as the council may see fit.

Raising money on debentures.

3. It shall not be necessary to obtain the assent of the electors of the said city to the issue of the said debentures or to the passing of any by-law directing the issue of the same or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors not required.

4. No irregularity either in the form of the said debentures or of any by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Irregularities in form not to invalidate debentures.

5. Save as otherwise provided by this Act all the provisions of *The Municipal Act* with regard to by-laws for the creation of debts, the issue of debentures therefor, and the mode repaying the same and the levying of a special rate for payment for the said debentures and interest thereon, or for the sinking fund, if the by-law or by-laws passed under the authority of this Act shall provide for a sinking fund, and as to the accounts to be kept with reference to any debts so incurred, shall apply to any by-law or by-laws passed and to any debentures issued under the authority of this Act.

Application of general provisions of Rev. Stat. c. 223.

## CHAPTER 82

An Act respecting By-Laws Nos. 1458, 1628, 1707  
and 1973 of the City of Ottawa.*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Pontiac Pacific Junction Railway Company, hereinafter called "the company," and the Municipal Corporation of the City of Ottawa, hereinafter called "the Corporation," have by their petition prayed that an Act may be passed to ratify, confirm and legalize a by-law of the Municipal Corporation of the City of Ottawa, passed on the 19th day of February, 1900, intituled "By-law No. 1973, to extend the time for compliance by the Pontiac Pacific Junction Railway Company with the conditions contained in a by-law of the Municipal Corporation of the City of Ottawa intituled 'By-law No. 1458 a by-law to provide for aiding and assisting the Pontiac Pacific Junction Railway Company by granting to the said company the sum of one hundred and fifty thousand dollars by way of a bonus in debentures, of the Corporation of the City of Ottawa, and to authorize the levying of a special rate by the said Corporation for the payment of the said debentures and interest,'" and for other purposes; and whereas no opposition has been offered to the said petition by or on behalf of any ratepayer of the said City of Ottawa or otherwise; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 1973  
Pontiac Pacific Junction  
bonus  
confirmed.

1. The said by-law numbered 1973, of the Municipal Corporation of the City of Ottawa, intituled as in the preamble to this Act is recited, a true copy of which said by-law is set out in the Schedule A to this Act, is hereby confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers of the said city to all intents and purposes although the assent of the ratepayers of the said city has not been obtained thereto.

Extension of  
time for com-  
pletion of  
bridge works.

2. Notwithstanding anything contained in any Act of the Legislature or in the said by-law numbered 1458, set out in Schedule B to the Act of the Legislature passed in the 59th year of Her Majesty's reign, chaptered 87, or in another by-law of the Municipal Corporation of the said City of Ottawa numbered 1628 and set out in Schedule A to said last-mentioned Act, or

in another by-law of the Municipal Corporation of the said City of Ottawa, numbered 1707, and set out in Schedule A to the Act of the Legislature passed in the 60th year of Her Majesty's reign, chaptered 72, or in any other by-law of the said City of Ottawa, or in a certain agreement set out in Schedule C to said Act passed in the 59th year of Her Majesty's reign, chaptered 87, between the Company and the Corporation, dated 14th day of December, 1893, respecting said bonus, the periods limited in said by-laws numbers 1458, 1628 and 1707, and in said agreement for the completion of said bridge works are hereby declared to be duly extended until the 9th day of March, 1901; and any debentures that may be issued pursuant to the said four by-laws, or any of them, and to said agreement are, as provided in said by-law numbered 1973, to bear date the 8th of January, 1900, instead of the 8th day of January, 1894, as in the said by-law 1458 and the said agreement is provided, and instead of the 8th day of January, 1896, as in the said by-law numbered 1628 and said Act passed in the 59th year of Her Majesty's reign, chaptered 87, is provided, and instead of the 8th day of January, 1898 as in said by-law numbered 1707 and said Act passed in the 60th year of Her Majesty's reign, chaptered 72, is provided.

3. Subject to the extension of time and the change of dates in the foregoing section of this Act, and of said by-law numbered 1973, provided for, the said by-laws, numbers 1458, 1628 and 1707 and the said agreement, are hereby declared to be in full force and effect and binding to all intents and purposes upon the said city and the said Corporation, and upon all the ratepayers of the said city, and in the same manner and with the same effect as if the said extended period and substituted dates had been contained in the said by-law numbered 1458 and the said agreement respectively when they were enacted or entered into respectively instead of those actually mentioned therein.

By-laws Nos.  
1458, 1628 and  
1707 confirmed  
subject to  
extension of  
time for  
completion.

## SCHEDULE A.

### (Section 1.)

#### By-Law No. 1973.

To extend the time for compliance by the Pontiac Pacific Junction Railway Company with the conditions contained in a by-law of the Municipal corporation of the city of Ottawa entitled "By-law No. 1458 —A By-law to provide for aiding and assisting the Pontiac Pacific Junction Railway Company by granting to the said company the sum of one hundred and fifty thousand dollars by way of a bonus in debentures of the corporation of the city of Ottawa, and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest."

Whereas, By-law No. 1458 of this municipality was passed on the 8th day of January, 1894, providing that the said municipal corporation might



might grant by way of bonus to the Pontiac Pacific Junction Railway Company towards the construction of its railway between the city of Ottawa and the town of Pembroke \$150,000 in debentures upon the conditions mentioned in said by-law and in an agreement in writing dated 14th December, 1893, made between said municipality and the said railway company.

And, whereas, amongst other conditions in the said by-law and agreement, or in one or other of them contained, it is provided that said railway company should only be entitled to said bonus and debentures upon the completion of an interprovincial railway and highway bridge including a carriage and footway across the Ottawa river, connecting the city of Hull with Nepean Point in the city of Ottawa with proper approaches thereto on or before the 9th day of July, 1897, to the satisfaction of the engineers mentioned in the said by-law; and also that the said company should within six months from 1st January, 1894, submit to the chief engineer of the city of Ottawa, and to the chief engineer of railways of the Government of the Dominion of Canada, as well as the chief engineers of the Governments of Ontario and Quebec respectively for approval plans, specifications and designs providing for the erection of said bridge.

And, whereas, it was also a condition of the granting of said bonus that the said company should and would on or before the 15th October, 1895, expend the sum of \$50,000 on the actual construction of the said bridge and approaches and in supplying the material therefor at the works; also that a strict compliance with the provisions of said by-law and said agreement, should be a condition precedent to the right of said company to said debentures, and that in the event of said company failing to comply with said provisions, the said company should become disentitled to said debentures and said by-law should become null and void and of no force or effect.

And, whereas, the said company in order to assist it in raising the necessary capital to construct said bridge applied after the passing of said by-law to the Governments of the Dominion and of the Provinces of Ontario and Quebec for financial aid.

And, whereas, the Government of the Dominion, whilst encouraging the company to renew its application therefor, had not prior to the 3rd December, 1895, promised to recommend the granting of any such subsidy, and it appearing that without substantial aid from the Dominion Government it would be impracticable to secure the construction of said bridge, the council of the corporation of the city of Ottawa, on the application of the company, in so far as said council had power so to do, by its by-law No. 1628, passed on the 3rd day of December, 1895, extended the time limited in said by-law No. 1458, and in said agreement of 14th December, 1893, for the expenditure by the said railway company of the sum of \$50,000 in the actual construction of the said bridge and approaches and supplying materials therefor at the works to the 15th day of December, 1896, and extended the period limited in said by-law and agreement for the construction of said bridge works to the 9th day of September, 1898, and changed the date which said debentures were to bear from 8th January, 1894, under the said by-law No. 1458 to 8th January, 1896, and declared said by-law last mentioned and said agreement subject to said changes of dates to be in full force and as binding as if said new dates had been those mentioned in said by-law No. 1458 and said agreement.

And, whereas, the said by-law No. 1628 and the provisions thereof were duly ratified and confirmed by an Act of the Legislature of the Province of Ontario, being chapter 87 of 59 Victoria, entitled "An Act respecting by-laws No. 1458 and 1628 of the city of Ottawa."

And, whereas, the council of the corporation of the city of Ottawa on the application of the company by its by-law No. 1707 passed on the 21st day of December, 1896, extended the time limited in the said by-laws 1458 and 1628 and in the said agreement of the 14th December, 1893, for the expenditure by the said railway company of the said sum of \$50,000 in the actual construction of the said bridge and approaches and supplying materials therefor at the works to the 15th March, 1898, and extended the period limited in said by-laws and agreement for the completion of said bridge works to the 9th September, 1900, and changed the date which

said

said debentures were to bear to the 8th January, 1898, and declared said by-law No. 1458 and said agreement subject to said changes of date and extensions of time to be in full force and effect as if said new dates had been those mentioned in said by-law No. 1458 and said agreement.

And, whereas, said by-law No. 1707 and the provisions thereof were duly ratified and confirmed by an Act of the Legislature of the Province of Ontario, being chapter 72 of 60 Victoria, entitled "An Act respecting by-laws No. 1458, 1628 and 1707 of the city of Ottawa."

And, whereas, the said railway company has long since duly complied with the conditions above recited as to the plans and expenditures and the actual construction of said bridge has been and is now being duly proceeded with and a very large sum of money has been expended thereon, but owing to unexpected difficulties experienced by the contractors for the metal work for the bridge in procuring the iron and steel materials therefor by reason of the congested state of the iron market it is doubtful if the bridge can be completed by the 9th September, 1900, the time limited for the completion thereof under the said by-laws Nos. 1458, 1628 and 1707 and said agreement.

And whereas the said company has duly applied to the municipal council of the city of Ottawa to have it declared that the said by-law No. 1458 and said agreement are still in force and to extend the period limited in said by-laws and agreement for the purpose of completing the said bridge until the 9th day of March, 1901.

And whereas the said municipal council has consented to grant such application in so far as it has power to do so.

Therefore the municipal council of the city of Ottawa enacts as follows :—

Notwithstanding any thing contained in said by-law No. 1458, or in said by-law No. 1628, or in said by-law No. 1707, or in the said agreement dated 14 December, 1893, or in said Acts of the Legislature of the Province of Ontario, 59 Victoria, chapter 87, and 60 Victoria, chapter 72, but so far only as this council has power so to do, the period limited in said by-laws and agreement for the completion of said bridge works is hereby extended to the 9th day of March, 1901, and the date which the said debentures are to bear is hereby changed to the 8th day of January, 1900, and subject to such changes of dates and extensions of time the said by-law No. 1458 and the said agreement dated the 14th day of December, 1893, are and each of them is hereby declared to be in full force and effect and binding upon the municipality of the city of Ottawa and upon the said company, and in the same way and to the same extent as if the said dates, 9th March, 1901, and 8th January, 1900, for the completion of said works and for the date of said debentures respectively, had been specified in said by-law No. 1458 and in said agreement respectively, instead of the dates actually specified therein for the said purposes.

Given under the corporate seal of the city of Ottawa this 19th day of February, 1900.

Certified,

JOHN HENDERSON,  
City Clerk.

T. PAYMENT,  
Mayor.

SEAL.

## CHAPTER 83

An Act respecting By-laws Numbers 1797, 1920 and 1974, of the City of Ottawa.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS, the Ottawa and New York Railway Company, hereinafter called the "company," and the Municipal Corporation of the City of Ottawa, hereinafter called the "corporation," have by their petition prayed that an Act may be passed to ratify, confirm and legalize a by-law of the Municipal Council of the Corporation of the City of Ottawa, numbered 1974, and passed on the 19th day of February, 1900, intituled, "Being a by-law to extend the time for compliance by the Ottawa and New York Railway Company with the conditions contained in a by-law of the Municipal Corporation of the City of Ottawa, entitled 'By-law No. 1797, a by-law to provide for aiding and assisting the Ottawa and New York Railway Company by granting to the said company the sum of \$75,000 by way of a bonus, to issue debentures for the same and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest,'" and for other purposes; and whereas no opposition has been offered by or on behalf of any ratepayer or otherwise to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
No. 1974  
confirmed.

1. The said by-law numbered 1974 of the Municipal Corporation of the City of Ottawa, intituled as in the preamble to this Act, is recited, and a true copy of which said by-law is set out in schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof to all intents and purposes, although the assent of the ratepayers of the said City of Ottawa has not been obtained thereto.

Time for  
completion of  
line extended.

2. Notwithstanding anything contained in any Act of the Legislature of the Province of Ontario or in the said by-law numbered 1797, set out in schedule "B" to the Act of the Legislature of the Province of Ontario, passed in the 62nd year of Her Majesty's reign, chapter 67, or in another by-law of the Municipal Corporation of the City of Ottawa, numbered 1920 and passed on the 15th day of May, 1899, under the authority



authority of the said last-mentioned Act, and a copy whereof is set out in Schedule "A" to the said last mentioned Act, or in any other by-law of the City of Ottawa, or in a certain agreement set out in schedule "C" to said Act, between the company and the corporation, dated the 24th day of December, 1897, respecting the said bonus, the period limited in the said by-laws numbers 1797 and 1920, and in the said agreement for the completion by the said company of its line of railway from the City of Ottawa across the St. Lawrence River at or near the Town of Cornwall, and to a connection with some railway or railways to the City of New York, and for the erection of the general workshops of the said company in the City of Ottawa, is hereby declared to be duly extended until the first day of January, 1901, and any debentures that may be issued pursuant to the said three by-laws or any of them, and to the said agreement, are as provided in said by-law numbered 1974, to bear date the 7th day of August, 1900, instead of the 7th day of February, 1898, as provided in the said by-law numbered 1797 and the said agreement, and instead of the 7th day of February, 1899, as in the said by-law numbered 1920 and the said last mentioned Act is provided.

3. Subject to the extension of time and the change of dates in the foregoing section of this Act and in the said by-law No. 1974 provided for, the said by-laws numbers 1797 and 1920 and the said agreement are hereby declared to be in full force and effect and binding to all intents and purposes upon the said city and the said Corporation, and upon all the ratepayers of the said city, and in the same manner and with the same effect as if the said extended periods and substituted dates had been contained in the said by-law No. 1797 and the said agreement respectively when they were enacted or entered into respectively, instead of those actually mentioned therein.

By-laws Nos.  
1797 and 1920  
and agreement  
confirmed.

## SCHEDULE A.

### By-Law No. 1974.

Being a by-law to extend the time for compliance by the Ottawa and New York Railway Company with the conditions contained in a by-law of the municipal corporation of the city of Ottawa, entitled "By-law No. 1796, a by-law to provide for aiding and assisting the Ottawa and New York Railway company by granting to the said company the sum of seventy-five thousand dollars by way of a bonus, to issue debentures for the same and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest."

Whereas by-law No. 1797 of the corporation was passed on the 7th day of February, 1898, providing that it might be lawful for the said corporation to grant by way of bonus to the Ottawa and New York Railway Company

Company towards the construction of their railway which lies between the city of Ottawa and the town of Cornwall, the sum of \$75,000, upon the conditions mentioned in the said by-law and in an agreement in writing dated the 24th day of December, 1897, made between the said corporation and the said railway company, and to make and issue debentures for the said sum of \$75,000.00, and to levy and collect an annual rate to provide for the payment of the said debentures and interest.

And whereas amongst other conditions in the said by-law and agreement, or in one or other of them contained, it was provided that the said sum of \$75,000.00 should be paid to the said railway company upon and only upon the completion by the said railway company of its line of railway from the city of Ottawa across the St. Lawrence river by a bridge at or near the town of Cornwall and to a connection with some railway or railways to the city of New York, and the erection of the general workshops of the company in the city of Ottawa, on or before the first day of July, 1899, and also that a strict compliance by the said railway company with the terms of said by-law and agreement should be a condition precedent to the right of the said company to the said sum of \$75,000.00 or any part thereof.

And whereas, prior to the termination of the said period the said railway company had completed the construction of and put in operation its line of railway from the city of Ottawa to the town of Cornwall, and had commenced the construction of a bridge across the St. Lawrence river at or near the town of Cornwall, to connect its said line with a railway or railways to the city of New York, but had been prevented from completing the same by reason of an accident whereby two spans of the said bridge, of 370 feet in length each, while in course of construction, collapsed and sank to the bottom of the river.

And whereas from investigation at the time it appeared that several of the stone piers constructed in connection with the said bridge would have to be rebuilt.

And whereas, by reason of the said accident the said company, in addition to the loss of business, suffered a loss of from \$150,000 to \$200,000, and by reason of such accident, delay and loss became unable to complete its said bridge and to connect with a railway or railways to the city of New York and to erect its general workshops in the city of Ottawa within the time limited in the said by-law and agreement, that is to say, on or before the first day of July, 1899.

And whereas, the said railway company, before the time limited in the said by-law and agreement had expired, applied to the municipal corporation of the city of Ottawa to extend the period limited therein for the completion and operation of its said line of railway to a connection with some railway or railways in the city of New York, by a bridge across the river St. Lawrence at or near the town of Cornwall, and for the erection of its workshops in the city of Ottawa, to the first day of July, 1900.

And whereas the said corporation was by an Act of the Legislative Assembly of the Province of Ontario, being chapter 67 of 62 Victoria, authorized to extend the said period so limited in the said by-law and agreement to the first day of July, 1900, by by-law, without obtaining the assent thereto of the ratepayers.

And whereas, the municipal council of the corporation of the city of Ottawa, in pursuance of the authority granted by the said Act, did by its by-law No. 1920, passed on the 15th day of May, 1899, extend the time limited in the said by-law No. 1797 and in the said agreement dated the 24th day of December, 1897, for the completion by the said railway company of its line of railway from the city of Ottawa across the St. Lawrence river by a bridge at or near the town of Cornwall, and to a connection with some railway or railways to the city of New York, and for the erection of the general workshops of the said company in the city of Ottawa to the first day of July, 1900, and changed the date which the said debentures were to bear from the 7th day of February, 1898, to the 7th day of February, 1899, and declared the said by-law No. 1797 and the said agreement, subject to such change of dates and extension of time, to be in full force and effect and binding upon the corporation of the city of Ottawa and upon the Ottawa and New York Railway Company,

pany, in the same manner and to the same extent as if the said last mentioned dates had been specified in the said by-law and agreement instead of the dates actually specified therein for the said purpose.

And whereas the said railway company has since proceeded continuously with the construction of the said works, but has met with unexpected difficulties and delays in connection with the prosecution of the same, owing to the scarcity of iron and steel and the difficulty in procuring materials composed of same for the construction of the said bridge, by reason of the congested state of the iron market, and is apprehensive that it will be unable to complete the said works by the first day of July, 1900.

And whereas the said railway company has applied to the municipal council of the corporation of the city of Ottawa to have it declared that the said by-law No. 1797 and the said agreement dated the 24th day of December, 1897, are still in force, and to extend the period limited in the said by-law and agreement for the purpose of the completion of the said works until the first day of January, 1901.

And whereas the said municipal council has consented to grant such application in so far as it has power to do so.

Therefore, the municipal council of the corporation of the city of Ottawa enacts as follows:

1. Notwithstanding anything contained in the said by-law No. 1797 or in the said agreement dated the 24th day of December, 1897, or in the said Act of the Legislature of the Province of Ontario, being chapter 67 of 62 Victoria, or in the said by-law No. 1920, but so far only as the said council has power so to do, the period limited in the said by-laws and agreement for the completion by the said railway company of its line of railway from the city of Ottawa across the St. Lawrence river by a bridge at or near the town of Cornwall, and to a connection with some railway or railways to the city of New York, and for the erection of the general workshops of the said company in the city of Ottawa, is hereby extended to the first day of January, 1901, and the date which the said debentures are to bear is hereby changed to the 7th day of August, 1900, and subject to such changes of date and extension of time, the said by-law No. 1797 and the said agreement dated the 24th day of December, 1897, are hereby declared to be in full full force and effect and binding upon the corporation of the city of Ottawa and upon the Ottawa and New York Railway Company in the same manner and to the same extent as if the said last mentioned dates had been specified in the said by-law and agreement instead of the dates actually specified therein for the said purposes.

Given under the corporate seal of the city of Ottawa this 19th day of February, A.D. 1900.

(Sgd.) T. PAYMENT,  
Mayor.

Certified,  
(Sgd.) JOHN HENDERSON,  
City Clerk.

[Seal.]



## CHAPTER 84

An Act to authorize the sale of certain lands by the Public School Board of the Township of Pelee in the County of Essex.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Public School Board of the Township of Pelee, in the County of Essex, and a large number of the ratepayers of the said township, have by their respective petitions represented that William McCormick of Point au Pelee Island, by his last will and testament, dated the 20th day of July 1839, devised to his executors and trustees therein named, one hundred acres of land in trust to apply the rents and profits thereof for the use and support of a school for the benefit of the island; that the said trustees under the said will, after the death of the testator, duly set apart lot No. 28, on the said island, for school purposes as directed by the will; that afterwards the said trustees, under the said will, obtained from the crown a patent of said lot No. 28, dated the 10th day of May, 1867, to hold unto them the said grantees, the survivor of them and the heirs of such survivor, forever in trust for school purposes on the said island: that by a judgment of the High Court of Justice, bearing date the 27th day of May, 1893, in an action wherein the public school board of the Township of Pelee, in the County of Essex, and the Attorney-General of Ontario were plaintiffs, and Arthur McCormick, Peregrine McCormick and Sarah Ann McCormick, who were the surviving trustees under the said will, were defendants, it was adjudged and declared that the said lot No. 28, known as the school lot, in the Township of Pelee, in the County of Essex, be, and the same was vested in the said defendants subject to the trusts declared in the patent of said lands from the Crown, and it was further ordered that the said defendants should convey the said lands to the plaintiffs, the public school board of the Township of Pelee, in the County of Essex to have and to hold subject to the same trusts as said lands had been theretofore held by the said defendants, and liberty was given by the said judgment to any party to the action to apply to the Court to settle a scheme for the management and administration of the trust property; that the said school lot was subsequently conveyed to the said public school board of the Township of Pelee as directed by the said judgment; that upon a petition of the school board aforesaid to the judges of the High Court of Justice, an order was made on the 3rd day of November, 1896, referring it to C. R. Horne, Esquire, a local judge.

judge of the High Court at Windsor, to devise and report a scheme for the management and administration of the said real estate; that the said local judge made his report on the 6th day of January, 1897, wherein he recommended that the real estate consisting of the said lot No. 28, save and except one acre on the north west corner thereof, occupied as a school site, should be rented and that the net rental should be applied from year to year upon current school expenditure; that the said local judge further especially reported that in his opinion it would be better and more advantageous to all parties interested if the real estate could be sold and the proceeds together with the funds on hand, derived from the sale of timber, invested and the income therefrom be applied from year to year upon current school expenditures; that subsequently upon an application to one of the judges of the High Court of Justice, it was sought to have effect given to the special recommendation of the said local judge and to have an order authorizing the sale of the said school lot, but the opinion of the judge and the counsel engaged in the case was that there was no power without legislation to enable the said real estate to be sold although the judge before whom the matter came, agreed with the opinion of the said local judge; that the Township of Pelee, which comprises the Island of Point au Pelee, is about nine miles in length and four miles in width, and contains between ten and eleven thousand acres of land; that there are four schools in the township under the control of one board of eight members, elected by the school wards into which the township is divided for school purposes; that one of the schools is situated upon the said lot number 28 and occupies one acre thereof, the whole lot containing one hundred acres more or less, and that in the opinion of the said petitioners it would be more advantageous to the schools if the lands were sold and the proceeds invested and the income applied from time to time towards general school expenditure; and whereas it is prayed by the said petitioners that the said public school board be authorized to sell and dispose of the said school lot number 28, excepting one acre thereof occupied by the present school, and to invest the proceeds, together with any funds on hand derived from the corpus of the trust estate from time to time and apply the income for school purposes; and whereas it expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Public School Board of the Township of Pelee is hereby empowered to sell and absolutely dispose of the said school lot number 28, excepting one acre thereof occupied by the present school, either by public auction or private contract, or partly in one mode and partly in the other, and generally in such a manner and subject to such terms and conditions

Public School Board of Pelee authorized to sell school lot No. 28.

tions as the said school board shall deem proper, and convey the said land to the purchaser or purchasers thereof, and the conveyance thereof by the said board pursuant to the powers hereby conferred shall give a valid title to the purchaser or purchasers respectively.

Application  
of proceeds.

2. The moneys realized by the sale of the said lands or any part thereof, together with any trust funds on hand derived from the corpus of the trust estate, shall be invested from time to time by the said school board in such securities as are authorized by *The Trustee Investment Act* and the interest applied for school purposes.

Rev. Stat.  
c. 130.

## CHAPTER 85

### An Act to confirm By-law Number 895 of the Town of Peterborough.

*Assented to 30th April, 1900.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Peterborough has by petition shown that the Canadian General Electric Company, Limited, propose to erect during the present year an additional building for the purpose of their manufacturing business in the Town of Peterborough at least 250 feet in length by 100 feet in width, and are also desirous of carrying electric power from the dam at Nassau to their works and that the said the Municipal Corporation of the Town of Peterborough deems it expedient to assist and encourage the said company in the erection of their said building and the extension of their works by granting an extension of the existing exemption from taxation and by authorizing the erection of poles and wires for the transmission of electricity to the said works, and that the Corporation of the Town of Peterborough has passed a by-law of the said corporation Numbered 895 intituled "A by-law to grant additional exemption to the Canadian General Electric Company, Limited, and for other purposes," to exempt the said company from taxation except as to school taxes for the period of ten years from the first day of January, 1901, and to fix the assessment of the said company for the said period at the sum of one hundred thousand dollars, and to authorize the placing of poles and wires for the transmission of electricity on certain streets of the Town of Peterborough, which said by-law is declared to have no force or effect unless and until the same is confirmed by Act of the Legislature of the Province of Ontario, and has prayed for the passing of an Act to confirm the said by-law



by-law; and whereas it has been made to appear that the said company has been and now is exempt from all taxation including taxation for school purposes and that the said company agreed with the said municipal corporation that the said company should become and be liable to taxation for school purposes upon the extension of the exemption from taxation for all other purposes as hereinafter and in the said by-law set forth; and whereas no opposition has been offered by or on behalf of any ratepayer or otherwise to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. By-law Number 895 of the Corporation of the Town of Peterborough, passed on the tenth day of March, 1900, intituled “A by-law to grant additional exemption to the Canadian General Electric Company, Limited, and for other purposes,” which by-law is set out in schedule A hereto is hereby confirmed and declared legal, valid and binding according to the true intent and meaning thereof.

By-law No.  
895 confirmed.

2. Notwithstanding anything contained in paragraph number 4 of the said by-law the lands, buildings, machinery, plant, stock and other improvements now owned or hereafter to be acquired by or for the purposes of the said company shall for school purposes be and remain liable to assessment, and school taxes shall be levied and collected thereon in accordance with the provisions of the general law in that behalf.

Assessment  
for school  
purposes.

## SCHEDULE A

### BY-LAW NUMBER 895.

A by-law to grant additional exemption to the Canadian General Electric Company, Limited, and for other purposes. Passed the tenth day of March, 1900.

Whereas the Canadian General Electric Company, Limited, propose to erect during the present year an additional building for the purpose of their manufacturing business at least 250 feet in length by 100 feet in width and are also desirous of carrying electric power from the dam at Nassau to their works and the corporation of the Town of Peterborough deem it expedient to assist and encourage the said company in the erection of the said building and the extension of their work by granting additional exemption from taxation and by authorizing the erection of poles and wires for the transmission of electricity to the said works as hereinafter provided.

The corporation of the Town of Peterborough by the council thereof therefore, enacts as follows:—

1. This by-law shall have no force or effect unless and until the same is confirmed by Act of Legislature of the Province of Ontario.

2. This by-law shall have no force or effect unless the company shall during the year 1900, erect upon the lands in the Town of Peterborough occupied by them a substantial brick building 250 feet in length by 100 feet in width. Provided always that if the erection and completion of the

said

said building shall, after the same has been bona fide entered upon, be delayed by strikes or unforeseen causes which justify the non-completion of the same during the current year the time for such completion shall be extended but not beyond the year 1901 in which case the completion of the said building by the time limited shall be deemed a sufficient compliance with the provisions of this section.

3. The manufacturing establishment of The Canadian General Electric Company, situate upon park lots fourteen, fifteen and sixteen in township lot thirteen in the twelfth concession of the township of North Monaghan and now in the town of Peterborough, and the personal property and income of the said company are hereby exempted from municipal taxes, except as to school taxes, for the period of ten years from the first day of January, 1901, the exemption hereby provided for to include the exemption already granted to the said company, which shall remain as effectual and valid as if this by-law had not been passed. Provided always that such exemption shall not apply to any real property used for dwelling houses or for any purpose other than for manufacturing purposes.

4. The assessment of the said manufacturing establishment of the said company, including the above-mentioned real and personal property in connection therewith, and the income of the company is hereby fixed at the sum of one hundred thousand dollars, and the assessors shall in each year for the period of ten years, commencing with the year 1901 and ending with the assessment on which the taxation for the year 1910 shall be based, return the assessment of the real and personal property and income of the said company in respect of the said manufacturing establishment, at the said sum of one hundred thousand dollars. Provided, however, that in the event of the destruction of the works, or any part thereof, so that the value of the same shall not be equal to the said sum of one hundred thousand dollars, the assessment shall be made while such value is under one hundred thousand dollars as if this by-law had not been passed. The provisions of this paragraph shall not extend to any real property used for dwelling houses or for any purpose other than manufacturing purposes.

5. Upon the said company executing a contract between that company and the corporation of the town of Peterborough, in form now approved by the council as to the manner in which the current is to be carried on such wires and otherwise as in the contract prepared for the purpose more particularly set out, The Canadian General Electric Company, Limited, are hereby authorized to erect and maintain poles and wires for the transmission of electricity for the purpose of transmitting power from Nassau to their said works, on and along the following streets and parts of streets, that is to say, on and along Water Street from the northern boundary of the town to Smith Street, thence along Smith Street westward to the Boundary Road on the western boundary of the town, thence southerly along said Boundary Road to the property of the company, and on and along such other streets and parts of streets as may be approved by resolution or by-law of the council, such poles to be placed under the supervision of the town engineer, and to carry and transmit thereon such current as may be necessary for their said works.

6. Notwithstanding anything contained in by-law number 770 of the said corporation, the said company shall not be liable to pay any sum for the use of the streets as long as the use of electric power carried on their wires is confined to their own works.

7. Nothing in this by-law, or in the said contract contained shall be deemed to limit or interfere, except as to the extent aforesaid, with the control of such streets by the said corporation under the municipal Act or any by-law or agreement now in force with regard to the placing of poles on streets, or their power to grant any right or license to any telegraph company, street railway company, or any company for the transmission of electricity, to use the streets and lanes of the said town for the purpose of placing poles, ducts and wires for any purpose.

JAS. KENDRY, Mayor.

S. R. ARMSTRONG, Town Clerk.



## CHAPTER 86

## An Act respecting the Town of Port Arthur.

*Assented to 30th April, 1900.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Port Arthur has by petition, represented that the Ontario and Rainy River Railway Company is now engaged in the construction of a line of railway which is to form a portion of a new and independant line of railway between Winnipeg and Port Arthur, having a terminus at Port Arthur, and whereas the said Corporation has by the said petition prayed that by-law number 551 of the said Corporation intituled "By-law to exempt from municipal taxation for the period of twenty-one years from the first day of January, 1900, certain property within the limits of the Town of Port Arthur, and to aid the Ontario and Rainy River Railway Company, and to authorize a certain agreement," set forth in Schedule A to this Act, which by-law has been duly submitted to the ratepayers and has received the assent and approval of more than two-thirds of the ratepayers of the said Town entitled to vote thereon, not more than twenty ratepayers having voted against the same, and which said by-law was finally passed by the Municipal Council of the said Town on the 17th day of March, 1900, and whereas the said Municipal Corporation has further prayed for power to enter into the agreement with the said the Ontario and Rainy River Railway Company mentioned in and attached to the said by-law and set forth in the said Schedule A hereto; and whereas the said Corporation has further prayed that all assessment rolls of the said town, and all tax sales held prior to the first day of January, 1899, and all sales held by the said town of lands bought in by them under the provisions of sub-section 3 of section 184 of *The Assessment Act* should be confirmed and validated; and whereas doubts have arisen as to the power of the Council of the said Corporation to pass a by-law to prescribe the limits within the municipality within which animals may be restrained from running at large, and the said Corporation has represented that it is expedient to give the said Town power to pass a by-law or by-laws to define such limits; and whereas the said Corporation has further represented that it is necessary to obtain an extension of time for levying the rates to meet the principal of the debentures set out in Schedules A, B and C to *The Port Arthur Act, 1897*, being chapter 74 of the Acts passed in the 60th year of Her Majesty's reign, and whereas it is expedient to grant the prayer of the said petition.

Therefore,



Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to exempt certain lands.

1. The By-law of the Municipal Corporation of the Town of Port Arthur, finally passed on the 17th day of March, 1900, intituled "By-law to exempt from municipal taxation for the period of twenty-one years from the first day of January, 1900, certain property within the limits of the Town of Port Arthur, and to aid the Ontario and Rainy River Railway Company, and to authorize a certain agreement," set forth in Schedule A to this Act, is confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers of the said Town, and the said Corporation is hereby declared to have full power and authority to enter into the agreement with the said railway company mentioned in and attached to the said by-law and set forth in schedule A hereto, and the said agreement shall be valid and binding in all respects upon the parties thereto, and upon all other parties interested therein, notwithstanding anything to the contrary in *The Municipal Act* contained.

Rev. Stat. c. 223.

Issue of debentures for \$50,000 authorized.

2. The said Corporation may issue debentures under its seal, and signed by the mayor and countersigned by the treasurer of the said Town for the time being, for the said sum of \$50,000, in sums of not less than \$100 each, and payable as to principal and interest in the time and manner set out in the said by-law.

Irregularities in form not to invalidate by-law or debentures.

3. No irregularity in the form of the said debentures, or of the said by-law, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debt with interest or any or either of them or any part thereof.

Assessment rolls confirmed.

4. All assessment rolls of the said town heretofore finally passed, and all sales of lands in the said town for arrears of taxes had before the first day of January, 1899, including sales of lands which may have been bought in by the town, or by any trustee for the town, under the provisions of section 184, sub-section 3, of *The Assessment Act*, are hereby confirmed and validated; the owner of any land so bought in by or for the town, or his executors, administrators or assigns, may at any time within three months from the passing of this Act redeem the estate sold by paying to the town treasurer the full amount of taxes due at the date of sale and the expenses of such sale; and the treasurer shall give to the person paying such redemption money a receipt stating the sum paid and the object of payment; and such receipt shall be evidence of the redemption. Provided that this section shall not make valid any sale where taxes were not in arrear in respect of the land sold for the third or more years preceding the sale, nor any sale where an action is brought to set such sale aside and a certificate

tificate of *lis pendens* is duly registered within six months from the passing of this Act, nor any sale of land which has not been correctly described in the advertisement, nor any sale professing to be of an undivided partial interest in any land; nor shall this Act make valid any tax deed in which the description fails to conform with the sale.

5. It shall be the duty of the town treasurer to offer for sale at a public auction called for the purpose any lands bought in by the town under the provisions of subsection 3 of section 184 of *The Assessment Act* at any time within seven years from the time it acquired the same, of which auction one months notice shall be given by public advertisement in a local newspaper, and if at any such public auction the said lands shall fail to find a purchaser at a sum sufficient to cover the amount of taxes due and interest and costs chargeable against the same, the said lands shall at the expiration of six months from the date of such sale, inclusive of such date, vest in and become the absolute property of the town, free from any right of redemption or other claim on the part of the original owner or owners, unless the owner or his executors, administrators or assigns shall before the expiration of such period of six months have redeemed the same by payment of said sum.

Sale of non-resident lands for taxes.

In the event of a sale of any lands at any such auction sale for a sum sufficient to cover the amount aforesaid, the owner or his executors, administrators or assigns, may at any time within six months from the day of sale, exclusive of that day, redeem the estate sold by paying to the town treasurer for the use and benefit of the purchaser or his legal representative the sum paid by him, together with five per centum thereon, and the treasurer shall give to the person paying such redemption money a receipt stating the sum paid; and such receipt shall be evidence of the redemption.

6. The council of the said town of Port Arthur is hereby authorized and empowered to pass a by-law or by-laws to define the limits within the boundaries of the said town within which animals may be restrained from running at large, and to repeal, alter or amend any such by-law or by-laws, and with power to impound any animal violating the provisions of any such by-law or otherwise deal with such animal or animals or the owner or owners thereof in the manner provided in "*The Act respecting Pounds.*"

Animals running at large.  
Rev. Stat. c. 272.

7. Notwithstanding anything contained in *The Port Arthur Act, 1897*, being chapter 74 of the Acts passed in the 60th year of Her Majesty's reign, or in any other Act, the said Town shall not be required to levy any rate to meet the principal of the debentures mentioned in Schedule C to the said Act until the said debentures are renewed either before

60 V. c. 74, s 3, amended.

or

or at maturity by the issue of Consolidated Debt Debentures under the provisions of the Act passed in the 54th year of Her Majesty's reign, chaptered 78.

60 V. c. 74, s  
1, amended.

8. Section 1 of the last mentioned Act is hereby amended by substituting the words and figures "year 1921" for the words and figures "year 1901" wherever they occur in the said section, and by substituting the words and figures "year 1923" for the words and figures "year 1903" wherever they occur in the said section, and notwithstanding anything contained in the said Act or any other Act, the said town shall not be required to levy any rate to meet the principal of the debentures mentioned in Schedules A and B of the said Act until the years 1921 and 1923, respectively.

Pending ac-  
tions.

9. Nothing herein contained shall affect any pending action

Short title.

10. This Act may be cited as "*The Port Arthur Act, 1900.*"

## SCHEDULE.

*By-law 551.*

BY-LAW TO EXEMPT FROM MUNICIPAL TAXATION FOR THE PERIOD OF TWENTY-ONE YEARS FROM THE FIRST DAY OF JANUARY, 1900, CERTAIN PROPERTY WITHIN THE LIMITS OF THE TOWN OF PORT ARTHUR, AND TO AID ONTARIO AND RAINY RIVER RAILWAY COMPANY, AND TO AUTHORIZE A CERTAIN AGREEMENT.

1. Whereas the said Company and the Corporation of the Town of Port Arthur purpose to enter into the agreement hereto annexed, and it is expedient to make provision for the carrying out of the terms thereof and to issue the debentures therein mentioned to the extent of fifty thousand dollars.

2. And whereas it will require the sum of \$2,994 to be raised annually by a special rate on the whole rateable property of the said town of Port Arthur for the paying of the said sum of \$50,000 and interest on the debentures to be issued therefor, of which the sum of \$2,000 will be for interest and the sum of \$994 for a sinking fund from which to pay the said debentures.

3. And whereas the amount of the whole rateable property of the said town of Port Arthur according to the last revised assessment roll is \$1,311 573, of which \$296,520 is, wholly exempt from taxation, and \$19,700 is exempt except for school taxes.

4. And whereas the amount of the existing debenture debt of the said corporation of the town of Port Arthur is \$236,250, exclusive of local improvement debts secured by special acts, rates or assessments, and there is no part of the principal or interest in arrear.

Therefore the council of the corporation of the town of Port Arthur enacts as follows:

(1). The corporation of the town of Port Arthur may enter into said agreement and execute the same under the seal of the corporation and may carry out its terms and do all things necessary therefor, and upon such execution and upon the said agreement being confirmed by legislation as therein provided for the same shall be valid and binding.



(2). That for the purpose aforesaid it shall be lawful for the Mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the town of Port Arthur to be made, executed and issued to the amount of fifty thousand dollars in sums of not less than one hundred dollars each, which said debentures shall be signed by the Mayor of the said corporation for the time being and countersigned by the Treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

(3). That the said debentures shall bear date upon and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law at the Ontario Bank at the City of Toronto.

(4). That the said debentures shall bear interest at and after the rate of four per centum per annum, to be computed from the first day of January, nineteen hundred and one (1901), and such interest shall be made payable half-yearly, namely, on the first day of January and the first day of July in each and every year during the currency of the said debentures at the said Ontario Bank at Toronto, the first of such payments of interest to become due and be payable on the first day of July, 1901, and such debentures shall have attached coupons for such half-yearly interest.

(5). For the purpose of having the said debt hereby created and the interest on the said debentures to be issued therefor as aforesaid the sum of \$2,994 shall be raised, levied and collected in each year, commencing from the first day of January, 1901, of and upon the whole rateable property of the town of Port Arthur by an equal special rate in addition to all other rates during the continuance of such debentures, of which the sum of \$2,000 shall be for such interest, and the sum of \$994 for a sinking fund for the ultimate payment of such debentures.

6. That this by-law shall come into force on the day of January, 1900.

7. The votes of such of the electors of the said town of Port Arthur as are entitled to vote thereon shall be taken on this by-law on Monday, the first day of January, 1900, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the following places and by the Deputy Returning Officers hereinafter mentioned, that is to say :

#### POLLING SUB-DIVISION No. 1.

Embracing all that part of the town of Port Arthur known as the First Ward, at the Council Chamber on Park street, by Mr. NEIL MACDUGALL as Deputy Returning Officer.

#### POLLING SUB-DIVISION No. 2.

Embracing all that part of the town of Port Arthur known as the Second Ward at Lot No. 5, on the west side of Cumberland street, by Mr WILLIAM A. MCCALLUM as Deputy Returning Officer.

#### POLLING SUB-DIVISION No. 3.

Embracing all that part of the town of Port Arthur known as the Third Ward, at the office of A. L. Russell, by Mr. JOHN M. MUNRO as Deputy Returning Officer.

8. On Saturday, the 30th day of December, 1899, at his office in the Council Chamber on Park street in the town of Port Arthur. at eleven o'clock in the forenoon, the Mayor shall, in writing signed by him, appoint two persons to attend to the formal summing up of the votes by the Clerk of this corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, respectively.

9. The 2nd day of January, 1900, at the Council Chamber aforesaid, at 12 o'clock at noon, is hereby appointed for the summing, by the Clerk of

this:

this corporation, of the number of votes given for and against this by-law, respectively.

Council Chamber, Port Arthur,

day of January, 1900.

(Signed) GEO. H. MACDONNELL,

[Corporate Seal.]

Mayor.

(Signed) J. McTEIGUE,

Clerk.

AGREEMENT made the                      day of                      A. D. 1  
Between :—

The Ontario and Rainy River Railway Company, hereinafter called  
the Company,

Of the First Part,

—and—

the Corporation of the Town of Port Arthur, Ontario, hereinafter  
called the Corporation,

Of the Second Part.

Whereas the corporation is desirous that the company shall establish its terminals on Lake Superior within the limits of the corporation and should provide thereon a grain elevator, round-house and work-shops and the company is willing to do so upon the corporation granting the bonus and on the terms hereinafter mentioned.

Now this agreement witnesseth and the parties agree the one with the other as follows :

(1) An application shall be made by the corporation to the Legislature of Ontario at its next session for an Act confirming and sanctioning the by-law hereinafter mentioned and the debentures to be issued thereunder and this agreement and authorizing the carrying out of the same and both parties hereto shall promote by all lawful means the passing of said Act.

(2) The corporation shall without delay cause to be introduced into its council and submitted to the ratepayers and if approved by them, duly passed, a by-law in form to be approved of by the company, providing for the issue of debentures to the extent of fifty thousand (\$50,000) dollars, payable in thirty years with interest half yearly at four per cent. per annum, commencing on and from the first day of January, 1901, and for delivery of such debentures to the Company, or to whom it may appoint for the purpose and on the terms hereinafter contained and for the raising of the necessary rate to pay the interest on said debentures and to create a sinking fund for the redemption thereof and providing also for the exemption from taxation and the fixing of assessments hereinafter mentioned and for the confirmation of this agreement and the carrying out thereof.

(3) Upon the said by-law and this agreement being so confirmed by Act of the Legislature, the corporation shall on receiving the security hereinafter mentioned hand over to the company or whom it may appoint, the said fifty thousand (\$50,000) dollars of debentures and it is expressly agreed that the operation of this agreement and the various provisions thereof shall be binding whether the said terminals be provided by the company or by a terminal company, and whether used by the company as now constituted or as hereafter constituted by amalgamation with the Canadian Northern Railway Company or with any other company now or hereafter authorized to enter into such amalgamation and this agreement shall apply to and be binding on the company as now constituted or as hereafter constituted by amalgamation as aforesaid.

(4) Contemporaneously with the handing over of the said debentures, a mortgage, or lien on the following properties, namely : Water Lot X and the broken front and water lots opposite lots numbers 2, 3, 4, 5, 6, 7, 8, 9 and 10, and that portion of the broken front and water lot upon which No. 5 dock is erected, South Water street, in the said town of Port Arthur shall be given to the corporation in the sum of \$50,000, as security for the due fulfilment of the company's covenant hereinafter contained to provide the station, round-house, work-shops and elevator, such mortgage or lien to be discharged to the extent of \$25,000 when such station, round-house and work-shops are provided and to be fully

discharged

discharged when such elevator or elevators are provided. Provided always that such mortgage or lien shall be fully discharged at any time by other securities of like value substituted in lieu thereof.

(5). The company or the terminal company will provide or cause to be provided before the 31st day of December, A.D. 1902, at a point between Cameron street and Bay street in the town of Port Arthur, a suitable passenger station to accommodate the company's traffic. The company or the terminal company will also provide or cause to be provided before the 31st day of December, A.D. 1902, a round-house and work-shops suitable for the traffic of the company within one and one-half miles south of Arthur street in Port Arthur, also a grain elevator or elevators, of not less than a total of one million bushels capacity. Provided always that if by reason of strikes, inclemency of weather, delays in procuring material or workmen, or other causes for which the company or terminal company may not be responsible, the said station, round-house, work-shops and elevators or any of them are delayed, so that the same cannot be provided within the time above specified the period therefor shall be extended for such a reasonable time as may compensate for such delay.

6. The said passenger station, roundhouse, workshops, elevator, or elevators, shall be used by the company in connection with its said terminals and shall be at all times maintained or caused to be maintained by the company or terminal company within the limits respectively above defined. Local and through passenger and freight traffic shall, subject always to the instructions of passengers and shippers, be handled as far as practicable within the said town of Port Arthur; the passenger traffic shall be handled between Cameron street and Ray street and the freight traffic as far practicable shall be handled within one mile south of Arthur street and steamboat connections therefor shall be made within the said limits. The general offices of the company for the said terminals, shall be continuously maintained at the said town of Port Arthur.

7. The company shall, free of charge, continuously allow or cause to be continuously allowed vessels of all descriptions to embark or disembark passengers over a suitable wharf or wharves upon said terminals to be designated from time to time by the company or terminal company.

8. The company shall continuously allow or cause to be continuously allowed, vessels of all descriptions to receive and discharge goods, wares and merchandise of all kinds, over a suitable wharf or wharves upon the said terminals to be designated from time to time by the company or terminal company, upon payment of reasonable dues and charges to be fixed by the company or terminal company from time to time, and should any dispute arise between the company or terminal company and the corporation as to the reasonableness of any such tariff, such dispute shall be decided by the railway committee of the privy council of Canada.

9. Should the corporation desire to erect a public wharf for the purposes mentioned in clauses 7 and 8 hereof, the company shall lease or cause to be leased to the corporation for that purpose, at a fair rental, a suitable and convenient piece of water frontage, the location and size of such piece, the amount of rental, the period and terms of the lease and all other things relating to the matter should be agreed on by the company or terminal company and the corporation and in default of agreement shall be settled by the railway committee of the privy council of Canada, provided always that if and when such wharf has been erected by the corporation the company shall be relieved from the obligations contained in clauses 7 and 8 hereof.

10. The company may from time to time and at all times place and use tracks upon, across and along all streets in the town of Port Arthur south of Arthur street and east of the Canadian Pacific Railway line in the said town. Provided always that convenient public access to and from the water shall not be unreasonably obstructed by the company or the terminal company from the foot of Arthur street and the foot of Pearl street overland at or near those points forming part of the terminal property.

11. All property real and personal of the company and the terminal company in the town of Port Arthur and all property real and personal in the said town embraced in the late sale by the High Court of Justice for Ontario, under the mortgage securing the bonds of the Port Arthur,

Duluth



Duluth and Western Railway Company and all additions and all improvements to any of such properties, shall be and the same are hereby declared to be exempt from all municipal taxes except school taxes for and during the period of twenty-one years from the 1st January, 1900. Provided, however, that any of such property which may not be used by the company or terminal company and which may only be used by others substantially for purposes not connected with the business of the company or of the terminals shall while being so used and to the extent of *such* user be subject to taxation in the ordinary way.

12. The property, real and personal, of the company and the terminal company in Port Arthur, and all property, real and personal, in the said town embraced in the late sale by the High Court of Justice for Ontario, under the mortgage securing the bonds of the Port Arthur, Duluth and Western Railway Company, and all additions and improvements to any of such properties, shall not be assessed for school taxes during the years 1900 to 1909, both inclusive, at greater sums in the aggregate than the following, namely : During 1900 to 1904, both inclusive, \$100,000, and during the years 1905 to 1909, both inclusive, \$200,000.

13. Should the company substantially fail to observe and perform its covenants and agreements herein contained after notice from the corporation as hereinafter mentioned, the exemptions from taxation and limitations of assessment above provided for shall cease thereafter, and should any dispute arise as to whether or not the Company has so failed, such dispute, including the question as to the time of failure, shall be decided by the Railway Committee of the Privy Council of Canada, and in the event of such failure being established, the property theretofore exempt from taxation or limited in assessment may from the time of such failure be liable to taxation and assessment in the usual way. Provided always, that the corporation shall not have the right to complain of any alleged failure on the part of the company unless and until the corporation serves on the company a notice specifying the particular breach complained of, and, if the breach is capable of remedy, requiring the company to remedy the breach, and if the breach is not capable of remedy, require the company to make compensation in money for the breach, and the company fails within a reasonable time thereafter to remedy the breach or to make reasonable compensation in money for the breach as aforesaid.

14. This agreement shall not take effect unless or until authorized or confirmed by legislation, but upon being so authorized or confirmed it shall take effect, and thereupon the agreement between the parties hereto, dated the 15th May, 1897, respecting the company's terminals at Port Arthur and the municipal taxation of the company there shall be and the same is hereby rescinded.

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## CHAPTER 87

## An Act to authorize the Town of Port Hope to raise money for Waterworks Purposes

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Council of the Town of Port Hope has by petition shewn that by an Act passed in the 57th year of Her Majesty's reign, chaptered 74, a certain by-law of the said Town of Port Hope, numbered 695, was ratified and confirmed and declared to be legal and binding and the debentures to be issued pursuant to the said by-law were also declared to be valid and binding; that the sum of \$30,000 raised by way of debentures under the said by-law numbered 695 has been expended in establishing a system of waterworks for the supply of water for domestic purposes as well as for the extinguishment of fires and laying down water pipes in the streets of the said town and for extending and enlarging and altering such waterworks and water pipes and for acquiring lands necessary for such purposes; and that the said Corporation is desirous notwithstanding the provisions of the Act passed in the 49th year of Her Majesty's reign, chaptered 64, of being authorized to issue further debentures to the amount of \$20,000 and that the said debentures may be made payable one in each of thirty years, and that the said debentures may be of such an amount as that the amount of principal and interest payable in any one year shall be the same as the amount of principal and interest payable in each of the other years of the said period of thirty years, the money to be raised upon the security of the said debentures to be applied by the said council in altering, extending and enlarging the waterworks now existing in the Town of Port Hope, and laying down further water pipes in the streets of the said town and in improving, maintaining, managing and conducting the said waterworks and water pipes, and constructing, building, purchasing, improving, extending, holding, maintaining and managing, land, buildings, materials, machinery and appurtenances thereto belonging including the duplication of the pumping engine and machinery and the renewal or improvement thereof; and whereas it is expedient to grant the prayer of the said petition.

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Municipal Corporation of the Town of Port Hope may upon the passing of a by-law to that effect issue debentures under the corporate seal signed by the mayor and counter-signed

Authority to  
issue  
debentures.

signed by the treasurer for the time being in such sums not exceeding in face value the sum of \$20,000 in the whole as the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place as the Corporation may direct.

**How payable.**     **2.** The said debentures shall bear interest at a rate not exceeding four per centum per annum and no part of the principal sum shall be payable at a time more than thirty years from the date of the said debentures. The said Corporation shall make one debenture payable during each year of the period not exceeding thirty years and such debentures may be for such sums as that the amount payable during any one year for principal, and interest shall be equal to the amount payable in any other year of the said period.

**Power to borrow.**     **3.** The said Corporation may raise by way of loan, on the credit of the said debentures such sum or sums from time to time as the said corporation may deem advisable.

**Application of proceeds.**     **4.** The said moneys so to be raised shall be applied by the said corporation in altering, extending and enlarging the water works now existing in the Town of Port Hope and laying down further water pipes in the streets of the said town, and in improving, maintaining, managing and conducting the said waterworks and water pipes and constructing, building, purchasing, improving, extending, holding, maintaining and managing land, buildings, materials, machinery and appurtenances thereto belonging, including the duplication of the pumping engine and machinery and the renewal or improvement thereof; such money to be expended from time to time in such a manner, to such an amount and for such of the purposes aforesaid as the council of the said town may from time to time determine.

**Rev. Stat., c. 223, to apply.**     **5.** The said by-law so to be submitted to the ratepayers of the said Town of Port Hope shall be submitted subject to the provisions contained in sections 338 to 383 inclusive of *The Municipal Act*, and the submission of the said by-law to the said ratepayers shall be valid and effectual notwithstanding that any of the proceedings for such submission shall have been made before the passing of this Act.

**49 V. c. 64, s. 9 not to apply.**     **6.** In case the corporation of the said town shall at any time hereafter desire to avail itself of the provisions of the *Municipal Waterworks Act* it is authorized to do so, and the said town shall have all the powers mentioned in the said Act and the provisions of section 9 of the Act passed in the forty-ninth year of Her Majesty's reign, chapter 64, shall not apply to any debt or liability incurred, or to be incurred, or debentures issued or to be issued for any of the purposes mentioned in the said *Municipal Waterworks Act*.



## CHAPTER 88

## An Act to confirm by-law No. 452 of the Village of Port Perry.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the Village of Port Perry has by petition prayed that an Act may be passed to confirm and legalize a By-law of the said village passed on the sixth day of November, A.D., 1899, intituled "A By-law to provide for the borrowing on the credit of the Municipality of the Village of Port Perry the sum of five thousand dollars to aid the building and establishing of a House of Refuge and equipping an Industrial Farm in connection therewith by the Corporation of the County of Ontario (providing the said Village of Port Perry be selected as the site therefor) and for the raising of the said sum of five thousand dollars by the issue of debentures and providing for the repayment thereof; and whereas the said By-law was submitted to the duly qualified electors of said village on the thirtieth day of October, A.D., 1899, and carried by a large majority; and whereas the said By-law was finally passed by the council of the said village on the sixth day of November, A.D., 1899; and whereas the said By-law has been duly promulgated and registered as required by law; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition:

Preamble.

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 452 of the Municipal Corporation of the Village of Port Perry set forth in Schedule "A" to this Act is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said By-law and the said municipal corporation is hereby authorized and empowered to issue debentures as provided by the said By-law and the said debentures to be issued under the said By-law are declared legal and binding upon the said municipality and the said municipal corporation is hereby authorized and empowered to do all necessary acts for the proper carrying into effect of the said By-law.

By-law No. 452, for House of Refuge, etc., confirmed.

2. The Municipal Council of the Corporation of the County of Ontario is hereby authorized and empowered to receive the said bonus from the said municipality of Port Perry to aid the

County of Ontario authorized to receive grant.

the

the building and establishing of a House of Refuge and equipping an Industrial Farm in connection therewith by the County of Ontario and to do and perform all acts necessary for the full and proper carrying out of the said By-law No. 452.

## SCHEDULE A.

### BY-LAW No. 452.

"A By-law to provide for the borrowing on the credit of the municipality of the village of Port Perry the sum of five thousand dollars to aid the building and establishing of a House of Refuge and equipping an Industrial Farm in connection therewith by the corporation of the county of Ontario (providing the village of Port Perry be selected as the site therefor) and for the raising of the said sum of five thousand dollars by the issue of debentures and providing for the repayment thereof."

Whereas it is expedient to raise by way of loan the sum of five thousand dollars to aid the building and establishing of a House of Refuge and equipping an Industrial Farm in connection therewith by the corporation of the county of Ontario (providing the said village of Port Perry be selected as the site therefor)

And whereas it will be requisite to raise annually during the term of twenty years by special rate for payment of the said debt and interest the sum of three hundred and sixty-seven dollars and ninety-one cents ;

And whereas the amount of the whole rateable property of the said municipality according to the last revised Assessment roll is \$375,370.00;

And whereas the existing debenture debt of the said municipality is \$36,328.24, of which none of the principal or interest is in arrear ;

Therefore the corporation of the village of Port Perry enacts as follows :—

1. It shall be lawful for the Reeve of the said village for the purpose aforesaid to borrow the sum of five thousand dollars, and to issue debentures of the said municipality to the amount of \$5,000, in sums of not less than \$100.00 each to be repayable by annual instalments during the period of twenty years from the date on which this By-law takes effect and to bear interest at a rate not exceeding four per cent per annum payable yearly on the first day of December in each and every year during the currency of the said debentures.

2. The said debentures shall be payable at the Agency of the Canadian Bank of Commerce in the Village of Port Perry.

3. It shall be lawful for the Reeve of the said municipality, and he is hereby authorized and instructed, to sign and issue the said debentures hereby authorized to be issued and to cause the same and interest coupons thereto to be signed by the Treasurer of the said municipality, and the Clerk of the said municipality is hereby authorized and instructed to attach the seal of the municipality to the said debentures.

4. There shall be raised in each year during the currency of said debentures the sum of \$367.91 to discharge the several instalments of principal and interest accruing due on said debentures as the said instalments and interest become due respectively and such annual sum shall be raised and levied in each year by a special rate sufficient therefor on all the rateable property in the municipality.

This By-law shall take effect on the first day of December, A.D., 1899.

The votes of the electors of the said village of Port Perry shall be taken on this By-law on the thirtieth day of October next ensuing.

At the market building for polling sub-division number one, G. J. Morrish, Deputy Returning Officer.

At town hall for polling sub-division number two, John H. Brown, Deputy Returning Officer.

At the school house for polling sub-division number three, E. D. Rogers, Deputy Returning Officer.

At which said places a poll will be opened at the hour of nine o'clock in the forenoon and continued open until the hour of five o'clock in the afternoon and no longer.

The 28th day of October, A.D., 1899, at the town hall in the said village at the hour of ten o'clock in the forenoon is hereby appointed as the time and place for the appointment by the Reeve of the said village of persons to attend at the polling places and at the final summing up of the votes on behalf of the persons interested in and promoting or opposing this By-law respectively.

The 31st day of October, A.D., 1899, at the said hour and place last named is hereby appointed as the time and place for the summing up by the Clerk of the said village of the number of votes given for and against the said By-law respectively

Passed November 6th, 1899.

S. JEFFREY, Reeve.

F. M. YARNOLD, Clerk.

{ L.S. }

## CHAPTER 89

### An Act respecting the Town of Prescott and the Imperial Starch Company, Limited.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the Town of Prescott has petitioned praying that an Act may be passed to ratify an agreement between the said corporation and "The Imperial Starch Company, Limited," and to confirm and legalize a by-law of said corporation numbered 487 and intituled "A by-law to provide for granting aid to The Imperial Starch Company, Limited, to assist in the erection and establishment of a starch factory and glucose plant in the Town of Prescott by acquiring and conveying lands within the said municipality for the purposes of the said company, and providing for exemptions from taxation and for free water and electric light, as mentioned in the agreement hereinafter referred to;" and whereas the said the Municipal Corporation of the Town of Prescott by petition has represented that the enterprise of the said company is a new one and that there is no industry of a similar nature established within the limits of the said municipality; and whereas a poll was held for the taking of the votes of the ratepayers entitled to vote on said by-law



by-law and a poll book prepared containing the names of all persons so entitled amounting to 484 names of persons so entitled, and at said election or poll 382 persons so entitled to vote polled their votes in favour of the said by-law and only six persons recorded their votes against the said by-law, shewing as a result that more than two-thirds of all the ratepayers entitled to vote were in favour of the said by-law; and whereas no opposition has been offered to the said petition; and, whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law  
confirmed,

1. By-law No. 487 of the Municipal Corporation of the Town of Prescott, set forth in the schedule to this Act, is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said agreement referred to in and made a part of the said by-law is ratified and confirmed, and the said Corporation of the Town of Prescott is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

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## SCHEDULE A.

### By-Law No. 487.

A by-law to provide for granting aid to the Imperial Starch Company, Limited, to assist in the erection and establishment of a starch factory and glucose plant in the town of Prescott, by acquiring and conveying lands within the said municipality for the purposes of the said company and providing for exemptions from taxation and for free water and electric light, as mentioned in the agreement hereinafter referred to.

Whereas the corporation of the town of Prescott of the one part, and the Imperial Starch Company, Limited, of the other part, have entered into an agreement, set forth in schedule A hereto, which agreement shall be taken to form a part of this by-law.

And whereas it is expedient to pass this by-law and to submit the same to the electors of the said municipality, to authorize the issue of debentures of the said municipality to the amount of eight thousand dollars for the purpose of aiding in the erection in the said town of the starch and glu-

cose

rose plant as particular set forth in schedule "A" hereto, and also for the purpose of authorizing the exemption from taxation and the supplying of water and electric light to the said company, as provided in said agreement, and the giving and procuring of the necessary consent of the Canadian Pacific Railway Company to extend or lay a track along Water street in the said town of Prescott into the said starch factory premises, as particularly set forth in schedule "A" hereunto annexed.

And whereas it is deemed expedient that the said principal sum of eight thousand dollars so to be borrowed by the said corporation shall bear interest at the rate of four per cent. per annum, payable semi-annually, and that the said principal sum shall be made payable in twenty annual instalments in the twenty years next ensuing after the taking effect of this by-law, and that such instalments shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

And whereas it will be requisite to raise the several sums in each year respectively set forth in clause numbered 1 of this by-law, for paying the said debt and interest, which said sums amount to the annual sum of five hundred and eighty-eight dollars and sixty-five cents to be raised in each and every year during the term of twenty years.

And whereas the amount of the whole ratable property of the municipality according to the last revised assessment roll, being for the year 1899, amounts to nine hundred and sixty-seven thousand seven hundred and ninety dollars.

And whereas the existing debenture debt of this municipality amounts to the sum of one hundred and forty-six thousand seven hundred and eighty-two dollars and eighteen cents, including the sum of five thousand six hundred and seventy-six dollars and twelve cents for public school debentures, and no principal or interest is in arrear.

And whereas it is desirable to ratify the said agreement and to borrow and expend the said sum of eight thousand dollars in the manner and for the purposes aforesaid.

Therefore the municipal council of the corporation of the town of Prescott enacts as follows :

1. That it shall be lawful for the mayor of the said town of Prescott, for the purposes aforesaid to borrow the said sum of eight thousand dollars and to issue debentures of the said municipality to the amount of eight thousand dollars in sums of not less than one hundred dollars each, which said debentures shall bear date on the day on which this by-law takes effect, and shall bear interest at the rate of four per cent. per annum, payable half yearly and shall have coupons attached for the payment of interest, and be payable in the manner for the amount and at the time following, that is to say :—

Year	Principal	Interest	Total
1901	\$268 65	\$320 00	\$588 65
1902	279 40	309 25	588 65
1903	290 58	298 07	588 65
1904	302 20	286 45	588 65
1905	314 29	274 36	588 65
1906	326 86	261 79	588 65
1907	339 93	248 72	588 65
1908	353 53	235 12	588 65
1909	367 67	220 98	588 65
1910	382 38	206 27	588 65
1911	397 67	190 98	588 65
1912	413 58	175 07	588 65
1913	430 13	158 52	588 65
1914	447 33	141 32	588 65
1915	465 22	123 43	588 65
1916	483 83	104 82	588 65
1917	503 18	85 47	588 65
1918	523 31	65 34	588 65
1919	544 25	44 40	588 65
1920	566 01	22 64	588 65

2. The said debentures as to principal and interest shall be payable at the Merchants Bank of Canada in the said town of Prescott.

3. It shall be lawful for the mayor of the said town of Prescott, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

4. There shall be raised and levied in each year by a special rate sufficient therefor, on all the rateable property in the said municipality the sum of five hundred and eighty-eight dollars and sixty-five cents, being a sum sufficient to discharge the several instalments of principal and interest accruing due on said debt as the same respectively become payable as hereinbefore set forth.

5. The said works, lands, buildings, plant, machinery and stock annually occupied, used and employed in and about the carrying on of the said starch and glucose factory shall be exempt except as to school taxes from all and any taxation by the municipality of the town of Prescott for a period of twenty years from the date of the taking effect of this by-law, provided that the said works are operated according to the terms, conditions and provisoes contained in said agreement set forth in schedule "A" hereto annexed.

6. The Canadian Pacific Railway Company shall have the right to erect, operate and maintain a siding along Water street from the present property of the Canadian Pacific Railway Company to the starch works, to be erected on the lands mentioned in schedule "A".

7. The water commissioners are hereby directed to supply to the said company free of charge daily and each day throughout the year for a period of twenty years, one hundred thousand gallons of water for the purposes of their business if required, and any further quantity which may be required by them, but such further quantity in excess of one hundred thousand gallons per day to be paid for by the said company at the actual cost of pumping the same.

8. The Electric Light Commissioners are hereby authorized and instructed to furnish free of cost to the said company daily and each day throughout the year, for a period of twenty years sufficient electric light, power or energy to supply one hundred lights of sixteen candle power each, and any further electric light, power or energy which may be required in the said business, such further quantity in excess of one hundred lights of sixteen candle power each daily, to be paid for by the company at the actual cost of producing the same, such light, power or energy to be furnished at the times and during the hours that electric light is furnished to the citizens of Prescott for commercial purposes.

9. The agreement hereto annexed and forming schedule "A" hereto shall be read as incorporated with and forming part of this by-law.

10. The said debentures shall only be issued and such bonus shall only be payable upon the terms and under the conditions of this by-law and of the said agreement.

11. This by-law shall not take effect until it shall have been confirmed by an act of the Legislature of the Province of Ontario and shall come into force and take effect when such Act shall be passed.

12. The mayor of this corporation is authorized and required to take the necessary steps to procure this by-law to be confirmed.

13. The votes of the electors of the said municipality shall be taken on this by-law at the following times and places, that is to say, on Monday the twelfth day of March next, 1930, at and from the hour of nine o'clock in the morning until the hour of five o'clock in the afternoon of the same day. The places for taking the votes of the electors and the names of the deputy returning officers shall be as follows:—

Polling sub-division number one (East Ward) at Mr. Wm. Horan's house, on the north side of King street, at which Mr. W. H. Stephenson shall be the deputy returning officer.

Polling sub-division number two (Centre Ward) at Bolton's carpenter shop on the west side of Centre street, at which Mr. W. G. Scott shall be the deputy returning officer.



Polling sub-division number three (West Ward) at the Council chamber, in the Town Hall, at which Mr. B. C. Hughes shall be the deputy returning officer.

14. On Friday the ninth day of March next, the mayor shall attend at the council chamber, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in and promoting or opposing the passing of this by-law.

15. That the clerk of the municipality shall attend at the said council chamber at ten o'clock in the forenoon on Tuesday the thirteenth day of March next A.D. 1900, and sum up the number of votes given for and against the said by-law, and if the said by-law is carried by the requisite number of votes of the said electors the same shall be finally considered and passed on the 19th day of March, A.D. 1900, at the hour of half-past seven o'clock in the afternoon, at the council chamber in the said town of Prescott.

Enacted and passed on this nineteenth day of March, A.D. 1900.

J. B. WHITE,

JNO. A. MUNDLE,

Clerk.

Mayor.



#### SCHEDULE A.

This agreement made in duplicate the third day of February, A.D., 1900.

Between the corporation of the town of Prescott, hereinafter called "the town," of the first part, and Imperial Starch company, Limited, with head office at the city of Toronto, in the county of York, hereinafter called the Company of the second part.

Whereas the company propose, for the considerations hereinafter expressed, to establish a modern starch manufacturing plant at Prescott, such factory to be fully equipped with a capacity of grinding or using daily at least five hundred bushels of corn, and have agreed and undertaken to erect the said plant on the terms and conditions herein contained.

Now, therefore, these presents witnesseth that the parties hereto hereby covenant and agree each with the other, as follows:

1. The town covenant and agree that they will procure and convey, or cause to be procured and conveyed to the company in fee simple, free from mortgage or other incumbrance, the lands and premises described as lots twenty-two, twenty-three, twenty-four, twenty-five and twenty-six on the south side of King street, and lots twenty-four and twenty-five on the south side of Water street, also that portion of Water street lying west of the east boundary of said lot twenty-four south of King street produced southerly, also the water lots in front of lots twenty-four and twenty-five on the south side of Water street and in front of Water street, and also in front of lots twenty-five and twenty-six on the south side of King street, all in block two, according to Chipman's plan of the said town of Prescott.

2 The said town further covenant and agree that they will procure and give the necessary consent to the Canadian Pacific Railway Company to build, erect and maintain a siding along Water street from the said railway company's lands to the lands above described, to be used as a siding from the starch company's works to be erected as hereinbefore mentioned.

3. The town further covenant that upon the execution of these presents they will, under the provisions of the Municipal Act, submit a by-law authorizing

authorizing the town to issue their debentures for the amount necessary to purchase the said lands, also authorizing the said town to exempt the said building, lands, machinery and plant from municipal taxes except school taxes for a period of twenty years, and also authorizing the said town to supply to the said company for the purpose of their said starch and glucose manufacturing and kindred business daily and each day throughout the year, if required, for a period of twenty years, one hundred thousand gallons of water, and also authorizing the supply of any larger quantity that may be required by the said company in excess of one hundred thousand gallons daily, such quantity in excess of one hundred thousand gallons daily to be paid for by the company at the actual cost of supplying the same, and also authorizing the said town to supply to the said company, free of any charge whatever to them, electric light, power or energy to supply daily and each day throughout the year for a period of twenty years, one hundred lights of sixteen candle power each, and also any additional quantity of electric light that may be required, any quantity, however, in excess of one hundred lights of sixteen candle power each to be paid for at the actual cost of producing the same, such electric light to be furnished at the times and during the hours that electric light is furnished to the citizens of Prescott for commercial purposes.

4. The town also by its council shall, as soon as may be, procure by submitting to the electors of the municipality of Prescott, under the Municipal Act in that behalf, a by-law authorizing the issue of debentures of the said town to raise the amount required to purchase the said site being the estimated cost of the said lands, including the cost and expenses of making title thereto.

5. In case the said by-law receives the required assent of the said electors the town shall by its council forthwith pass and enact the same.

6. In consideration of the foregoing the parties of the second part covenant, promise and agree that immediately on the necessary conveyance being made, and after the ratification of the said by-law by the said town and the legislature of the Province of Ontario, they will proceed with the erection of a modern starch factory for the manufacture of starch and other products mentioned in their charter, and will push the same to completion with all reasonable speed, such factory to be equipped with necessary plant and machinery required for use in the manufacture into starch of at least five hundred bushels of corn daily, and that from and after the completion of the said works and during the first year of the operations of the said factory the said company will employ on an average at least sixty persons daily, and from and after the second year they will employ on an average at least one hundred persons daily in connection with their said business, and will furnish if required by the council of the said town once every three months a statutory declaration of an officer of the company giving the names of the persons employed by the company and the time during which they were so employed.

7. The company will, subject to accidents to machinery, strikes, or labor troubles, or other unforeseen causes, keep the said works running full time at least nine months during each year, and will during such time manufacture therein starch or other products mentioned in their charter.

8. The company further agree that in the event of their failure to erect a plant on the site selected in Prescott that they will pay to the town of Prescott the costs and expenses incurred in passing the necessary by-laws and obtaining the Legislature's sanction thereof and all other expenses that the said corporation may be put to on account of the matters referred to, and further covenant and agree not to erect a factory at any other place in Ontario.

9. It is further understood and agreed by and between the parties hereto that in the event of the said company at any time during the said period of twenty years ceasing to carry on their said manufacturing business on said premises or failing to employ the number of persons required by the terms of this agreement or failing to run their factory during the time agreed upon, then and in such case all the terms, covenants and agreements on the part of the town shall cease and determine, and the said company shall pay to the said corporation the price paid for the said lots.

10. It is further understood and agreed by and between the parties hereto that neither the said town nor the water nor electric light commissioners, nor any servant of the council shall be liable or responsible for any damages for the failure to supply such quantity of water or electric light power or energy, or any part thereof, by reason of accident to machinery or any other unforeseen cause.

11. The town further covenant and agree to obtain if necessary, a proper agreement from the water commissioners and the electric light commissioners, if such should be thought necessary by the said company, and to have the same duly ratified and adopted either as a by-law or otherwise so as to carry out the covenants of this agreement.

12. The said town also covenant and agree to use their best endeavors to have the river in front of the site above described dredged by the Government.

13. It is further understood and agreed that this agreement is conditional on the building of a siding by the Canadian Pacific Railway Co. into the works to be erected by the said starch company, and in the event of the failure of the said railway company to agree to build the said siding and extension along Water street, or otherwise, into the said starch works within fifteen days, this agreement and all the covenants herein contained on the part of the Imperial Starch Company Limited, shall be null and void and of no effect, the agreement being executed by the said company on the express condition that it shall not be operative or of any effect until the railway company have signified their intention, within the time above limited, of building the said siding and shall also enter into a proper agreement to do so.

As witness the corporate seals of the said parties hereto and the hands of their respective executing officials.

{ Corp-  
orate  
Seal. }

JOHN A. MUNDLE,  
Mayor.

{ SEAL }

IMPERIAL STARCH COMPANY  
Limited.  
H. BLAIN, President.

## CHAPTER 90

### An Act respecting the Corporation of the Town of Preston.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the Town of Preston has, by petition, prayed for authority to aid in the establishment of a furniture factory in the said town by purchasing the buildings and premises now occupied by The Mineral Springs Furniture Company, otherwise known as "The M. S. Furniture Company," and being all and singular that certain parcel or tract of land and premises situate, lying and being in the Town of Preston, in the County of Waterloo, containing by admeasurement three roods and two perches,  
more



more or less, being the land and premises known as "The Preston Carriage Factory property," and heretofore owned by John Nafe, and conveying the said property to the said company upon such terms and conditions as to the municipal council of the said corporation may seem advisable; and whereas, a large number of the ratepayers residing in the said Town of Preston, entitled to vote upon by-laws creating debts not payable within one year from the creation thereof, have requested the municipal council of the said corporation to take the necessary steps to assist the said company by purchasing and conveying to the said company the above described property and for such purpose to apply for the passing of this Act; and whereas, it has been made to appear that the proposed bonus or aid to the above-named furniture company does not interfere with any other business of the same nature in the said town, nor involve the removal to the said town of any industry already established elsewhere in the Province, and that the owners of the other furniture factories and persons and companies engaged in the manufacture of furniture are desirous that such assistance be granted the said company; and whereas it has been shown that the annual repayments of the loan made by the said corporation under the authority of by-law No. 263 of the said corporation, confirmed by Act of this Legislature 58th Victoria, Chapter 77, have been regularly made and it appears reasonable that the future accruing instalments of the said loan shall be taken into account in estimating the amount of the total annual levy for the principal and interest for grants of bonuses in aid of manufacturing industries; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to pass  
by-law grant-  
ing \$4,500 to  
Furniture Co.

1. Subject to the provisions of this Act it shall be lawful for the Town of Preston to pass a by-law for the purpose of raising, by way of loan on the credit of the debentures of the said corporation, a sum not exceeding in the whole four thousand five hundred dollars, at a rate of interest not exceeding five per centum per annum from any person or persons, body or bodies corporate, who may be willing to advance the same, for the purpose of aiding The Mineral Springs Furniture Company, otherwise known as "The M. S. Furniture Company," by the purchase and conveyance to the said company of the above described buildings and premises now occupied by the said company, so that the said industry may be established and carried on upon the said land and premises; and the said aid may be granted by way of bonus to the said company for the purpose of carrying on the said furniture factory upon such terms and conditions as may be deemed advisable by the municipal council of the said corporation.

Provided

Provided, however, that such by-law shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within one year from the creation thereof, and shall be approved by the vote in the affirmative of not less than two-thirds of the ratepayers qualified to vote on money by-laws under the provisions of *The Municipal Act*; and the provisions as to procedure and otherwise contained in *The Municipal Act*; respecting by-laws creating debts, shall apply to such by-law to be passed under the authority of this Act as if expressly incorporated therewith. Proviso.

2. The said municipal corporation shall be and is hereby authorized to enter into such agreement with the said company and to take such securities as the said municipal council may deem necessary or advisable for the due carrying out of the terms and conditions to be imposed by the said corporation upon the said company. Power to enter into agreement with Furniture Co.

3. Notwithstanding anything in this Act contained it shall not be lawful for the said corporation to pass the said by-law or grant the said aid in manner aforesaid, if the granting of such bonus would for its payment together with the payments of similar bonuses already granted by the said corporation require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation of the said corporation; but for the purposes of this section it is hereby declared that only the difference between the annual amount raised under the said by-law No. 263 of the said corporation and the annual repayments on account of the loan made by the said corporation under the authority of the said by-law shall be taken into account in estimating the annual levy for principal and interest under the said by-law. Limit of proportion of tax rate to be applied to bonuses.

## CHAPTER 91

### An Act respecting By-law No. 248 of the Town of Rat Portage.

*Assented to 30th April, 1900.*

WHEREAS the Municipal Corporation of the Town of Rat Portage have petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the 1st day of May, 1899, entitled "By-law No. 248, a by-law to raise the sum of \$75,000, upon the credit of the municipality of the Town of Rat Portage, for the completion Preamble.

24 s.

pletion of the construction of the system of waterworks therein, a copy of which said by-law is contained in the schedule to this Act; and whereas the said corporation of the Town of Rat Portage by petition has represented that it is necessary and expedient, and of advantage to the said municipality, that the said By-law No. 248 should be ratified and declared legal, valid and binding upon the said municipality; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 248  
confirmed.

1. By-law No. 248 of the Municipal Corporation of the Town of Rat Portage, set forth in Schedule A to this Act, is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said Corporation of the Town of Rat Portage is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-law No. 248.

### SCHEDULE A.

#### *By-law No. 248.*

A by-law to raise the sum of seventy-five thousand dollars upon the credit of the municipality of the town of Rat Portage, for the completion of the construction of the system of waterworks therein.

Whereas it is necessary and expedient to raise a further sum to complete the construction of a system of waterworks and to erect a stand pipe in the town of Rat Portage, and it will be necessary to borrow on the credit of the municipality of the town of Rat Portage the sum of seventy-five thousand dollars therefor, said sum to be repayable with interest at the rate of four per centum per annum, in thirty annual instalments;

And whereas, owing to the separated portion of the west ward of the town of Rat Portage and its physical features, it is impracticable to construct waterworks in that ward without very great expense, said works will serve only the centre, north and south wards of the said municipality;

And whereas chapter 62 of 50 Victoria, amended by 55 Victoria, chapter 83, section 20, provides for exemption under certain conditions for property in the municipality west of the second outlet of the Lake of the Woods, which comprises the west ward of the town of Rat Portage, as defined by 55 Victoria, chapter 83, from assessment for any rate for the purpose of raising money for the payment of debentures which may be issued by the municipality;

And whereas the total amount that will be required to be raised by special rate on all the rateable property in the centre, north and south wards in the municipality in each year during the currency of the said debt, to discharge the several instalments and interest respectively as the same becomes due according to the terms of this by-law, is the sum of \$4,337.26;



And whereas the whole amount of the rateable property of the said municipality, according to the last revised assessment roll, is \$1,432,035, and the amount of the rateable property in the centre, north and south wards is \$1,354,985;

And whereas the total amount that will be required to be raised annually during the said period of thirty years by special rate for paying the said sum and interest will be the sum of \$4,337.26;

And whereas the amount of the existing debt of the said municipality is \$182,480.41, of which the proportion to be paid by the centre, north and south wards is \$177,783.95, and no part of the principal and interest is in arrears;

Therefore the mayor and municipal council of the corporation of the town of Rat Portage, in council assembled, enacts as follows:—

1. That it shall be lawful for the mayor of the said town of Rat Portage, and he is hereby authorized, to raise by way of loan from any person, firm or company, or corporation, who may be willing to advance the same upon the credit of the debentures to be issued under this by-law, the sum of seventy-five thousand dollars, for the purposes and objects recited in this by-law.

2. That it shall be lawful for the mayor of the town of Rat Portage, and he is hereby authorized and required, to issue debentures of the municipal corporation to the amount of seventy-five thousand dollars, for the purpose aforesaid, which debentures shall be for the several amounts in the next clause hereof, and shall be sealed with the seal of the said corporation and signed by the mayor or head thereof for the time being, and countersigned by the treasurer thereof.

3. The said debentures shall be made payable at the offices of the Imperial Bank of Canada, in the town of Rat Portage, and shall bear interest at the rate of four per centum per annum from the first day of December in the year of our Lord one thousand eight hundred and ninety-nine, which interest shall be payable at the said bank in the town of Rat Portage, on the first day of December, in each year, which debentures shall have attached to them coupons for the payment of the said interest, and shall be for the amounts and shall be payable on the days and times following, that is to say:

On the first day of December, 1900.....	\$1,337.27
“ “ 1901.....	1,390.76
“ “ 1902.....	1,446.39
“ “ 1903.....	1,504.25
“ “ 1904.....	1,564.42
“ “ 1905.....	1,627.00
On the first day of December, 1906.....	1,692.00
“ “ 1907.....	1,759.70
“ “ 1908.....	1,830.05
“ “ 1909.....	1,903.35
“ “ 1910.....	1,979.48
“ “ 1911.....	2,058.62
“ “ 1912.....	2,141.00
“ “ 1913.....	2,226.64
“ “ 1914.....	2,315.70
“ “ 1915.....	2,408.34
“ “ 1916.....	2,504.67
“ “ 1917.....	2,604.86
“ “ 1918.....	2,709.05
“ “ 1919.....	2,817.40
“ “ 1920.....	2,930.00
“ “ 1921.....	3,047.30
“ “ 1922.....	3,169.20
“ “ 1923.....	3,295.98
“ “ 1924.....	3,427.82
“ “ 1925.....	3,564.93
“ “ 1926.....	3,707.52
“ “ 1927.....	3,855.83
“ “ 1928.....	4,010.00
“ “ 1929.....	4,170.47

4. That the sum of \$4,337.26 shall be raised and leviable on all the rateable property in the centre, north and south wards of the said municipality in each and every year during the currency of the said debt by special rate sufficient to discharge the several instalments and interest accruing due on the said debt as the said instalments and interest become due respectively payable according to the terms of this by-law.

5. That this by-law shall take effect on the first day of December in the year of our Lord one thousand eight hundred and ninety-nine.

6. That the votes of the electors of the centre, north and south wards of the said town of Rat Portage shall be taken on the twenty-ninth day of April, in the year of our Lord one thousand eight hundred and ninety-nine, at polls to be open date the following places and with the following deputy-returning officers :

#### CENTRE WARD.

Polling sub-division No. 1, at the Town Hall in the said town of Rat Portage, by D. A. Pender, deputy-returning officer.

Polling sub-division No. 2, at the office of the clerk of the First Division Court, Main street, in the town of Rat Portage, by Phineas Hutchins Clark, deputy-returning officer.

#### NORTH WARD.

Polling sub-division No. 1, at the Court House in the said town of Rat Portage by M. Seegmiller, deputy-returning officer.

Polling sub-division No. 2, at the new Public School, by Archibald Campbell, deputy-returning officer.

#### SOUTH WARD.

Polling sub-division No. 1, at Edgar Brown's house, by Edgar Brown deputy-returning officer.

Polling sub-division No. 2, at the School House in the south ward in the said town of Rat Portage, by Jas. Sharman, deputy-returning officer.

And the said poll shall be opened at the hour of nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon on the same day.

7. That on the twenty-eighth day of April in the year of our Lord one thousand eight hundred and ninety-nine at the hour of eleven o'clock in the forenoon, the mayor, or the head of the municipality for the time being, shall appoint in writing signed by him two persons to attend at each polling place on behalf of the persons interested in, and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

8. That on the first day of May in the year of our Lord one thousand eight hundred and ninety-nine, being the Monday following the said poll, the clerk of the said town of Rat Portage shall at the Town Hall in the said town of Rat Portage, at twelve o'clock noon, attend and shall sum up the number of votes given for and against this by-law and then and there declare to the persons whether the requisite number of electors voted in favor of passing of this by-law or contrary thereto.

9. Estimates of the intended expenditure for the completion and construction of the waterworks, shall be published for one month, and notice of the time appointed for taking a poll of the electors on this by-law shall be published for two months, and a copy of this by-law at length as the same may be ultimately passed, and the notice of the day appointed for finally considering the same in council shall be published for two months in *The News*, one of the newspapers published in the municipality of the town of Rat Portage, before the passing of this by-law.

Done and passed in open council this first day of May, A.D. 1899.

W. McCARTHY,  
Mayor.

JOHN KERR BRYDON,  
Town Clerk.

## CHAPTER 92

## An Act respecting the City of St. Catharines.

*Assented to 30th April, 1900.*

WHEREAS the Council of the Corporation of the City of St. Catharines have by their petition represented that the said City of St. Catharines is by reason of its situation and of the existence of water privileges and water powers both in the said City itself and in the vicinity thereof a very desirable location for manufacturers and have prayed that the powers contained in section 565 of *The Municipal Act* and amendments thereto may be granted to the said corporation and that they may be empowered to develop and improve a water power at a point on the Beaver Dam Creek above the reservoirs of the St. Catharines water works or at a point on the old Welland Canal between the Town of Thorold and Higgin's flume and at any point within one mile of the limits of the said corporation; also to acquire by purchase or demise land and the buildings erected thereon or to acquire land and erect buildings thereon in the said city for the purpose of leasing the same for manufacturing purposes; also to generate electric power by operation of the said water privilege or privileges and to transmit the same to any part of the said city and for the purposes aforesaid to borrow money upon the debentures of the said corporation; and to empower the said corporation to use said water privilege or privileges and lands and power houses and other buildings and plant in connection therewith for its own purposes, or to grant leases of the whole or any part of the said water privilege or privileges and property connected therewith and to lease the land and buildings secondly above mentioned to any corporation, company or individual engaged or about to engage in any manufacturing business or enterprise in the said city for such time and upon such terms and conditions as the council of the said city may determine or as may be agreed upon, and otherwise to deal with the same fully and effectually to all intents and purposes; also to empower the said corporation to acquire by purchase or demise from any corporation, company or individual employed in the business of generating electric power in the said city or elsewhere in the Counties of Lincoln and Welland electric power for the purpose of delivery to any corporation, company or individual engaged or about to engage in any manufacturing business or enterprise in the said city and for the purpose aforesaid to borrow money upon the debentures of the said city corporation; the issue of debentures



debentures for all the purposes before mentioned not to exceed \$150,000; also to confirm and validate the election of water works commissioners and public school trustees held December, 22nd, 1899 and January 1st, 1900, and to provide for the future election of water works commissioners and public school trustees in the said city; and to confer certain powers on the water works commission of the said city; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to acquire water privileges.

1. The Corporation of the City of St. Catharines is hereby empowered to acquire by lease or purchase any water power or water privilege, water powers or water privileges within the limits of the said corporation and within one mile thereof together with sufficient land adjacent to any such water power or water privilege for the proper user of such water power or water privilege, and to expend thereon from time to time such sums of money as are necessary for the development, repairs and user of any of such water powers or water privileges and lands, including the erection, improvement and repair of power houses and other buildings in connection therewith and for the erection, construction, building procuring, acquiring, holding, installing, maintaining and operating all machinery, buildings, excavations, erections dams, races, poles, wires, attachments, materials and plant requisite and necessary for the generating, making, supplying, furnishing and transmitting electric power at and from any and all of such water powers or water privileges so acquired to any part of the said city for manufacturing, heating and lighting and such other uses and purposes as shall be found desirable and the said corporation may for the purposes aforesaid borrow upon the debentures of the said corporation such sums as are required for the same for such periods as the corporation may by by-law determine. Provided that no water power or water privilege within the limits of the Village of Merriton shall be acquired by the said corporation under the powers conferred by this section without the consent of at least two-thirds majority of the council of the Corporation of the Village of Merriton expressed by resolution of the said council.

Proviso as to Merriton.

Assent of electors.

2. It shall and may be lawful for the council of the city of St. Catharines to pass by-laws for the purpose of raising money for the purposes in the preceding section mentioned or any of them provided that any such by-law before being finally passed shall be submitted to and shall have received the assent of at least three-fifths of the total number of the ratepayers qualified to vote on money by-laws in the said city in manner provided by *The Municipal Act*.

Rev. Stat. c. 223.

3. It shall be lawful for the Corporation of the City of St. Catharines subject to the approval of the water works commission of the said city expressed by resolution of the said commission to construct, equip, maintain and operate a canal or hydraulic raceway from a point on the Beaverdam creek above the reservoirs of the St. Catharines water works in the Township of Thorold or from a point on the Welland Canal between the Town of Thorold and Higgins' Flume to a point on or under the Niagara escarpment in the neighbourhood of De Cew Falls and thence to the Twelve Mile creek together with all such works, dams, ponds, conduits, sluices, machinery, poles, wires, attachments, accessories and buildings as are necessary to make and install a water power for generating electric energy, and to acquire by purchase and agreement or by expropriation proceedings under the powers of *The Municipal Act* respecting arbitrations such lands as may be necessary for the purposes aforesaid and to cross roads or highways in the said Townships of Thorold and Grantham under such terms as may be agreed on with the municipal councils of the said townships subject to the decision of the Judge of the County Court of the County of Lincoln in the event of inability to agree and to transmit and supply electric energy for purposes of power, heat and light in the said City of St. Catharines. Provided that the said corporation shall not divert the natural flow of water of the Beaverdam creek derived from the watershed thereof, but shall only take such portion of the volume of water leased by the Government of Canada from the Welland Canal to the said corporation as the water works commission of the said city shall approve.

Construction  
of hydraulic  
power works.

And for the purposes aforesaid the said corporation may borrow upon the debentures of the corporation such sums as are required for the same.

4. It shall and may be lawful for the Council of the City of St. Catharines to pass by-laws for the purpose of raising money for the purposes in the preceding section mentioned or any of them provided that any such by-law shall be submitted to and receive the assent of the electors of the said city in manner provided by *The Municipal Act*.

By-laws for  
raising money  
for water  
power works.

Rev. Stat.  
c. 223.

5. The debentures issued by the said Corporation of the City of St. Catharines in respect of any water power or water privilege and lands so acquired or developed as aforesaid shall be and continue a first charge or lien on the water power or water privilege and lands for and in respect of which such debentures shall be issued until the debt which such debentures represent is fully paid.

Debentures to  
be a charge on  
water privi-  
lege, etc.

6. Upon the acquisition or development of any such water powers or water privileges and lands the said Corporation of the City of St. Catharines may use the same for their own purposes, and

Lands, etc.,  
acquired—  
disposal of—  
assent of  
ratepayers.

and may grant leases of the whole or any parts thereof upon such terms and conditions as may be agreed upon, and may otherwise deal with the same as fully and effectually to all intents and purposes as might be done by an individual, but no sale of the whole or any part of the said water powers or water privileges or lands so acquired shall be made until a by-law authorizing the same has been submitted to the ratepayers and passed by a vote of the same class of persons as voted upon the by-law authorizing the acquisition of said water powers or water privileges and lands, and no lease shall be granted for a longer period than thirty years with right of renewal and renewals.

Power to generate and supply electric power.

7. Upon the acquisition or development of any such water power or water privilege and lands as aforesaid it shall be lawful for the municipal council of the City of St. Catharines to erect construct, build, procure, acquire, hold, instal, maintain and operate all machinery, buildings, excavations, erections, dams, races, poles wires, attachments, equipments, materials and plant requisite and necessary for the generating, making, supplying, furnishing and transmitting at and from any such water power or water privilege so acquired or developed as aforesaid to the City of St. Catharines and to points within one mile thereof electric power for manufacturing, heating, and lighting and such other purposes and uses as shall or may be found desirable and to distribute, sell and dispose of such electric power in the City of St. Catharines and within one mile of the city limits for the purposes and uses aforesaid; and also to sell, demise and dispose of all or any surplus power or electric energy delivering the same at and from any of their power houses or any water power or water privilege and lands so acquired as aforesaid. The minimum rate to be charged by the said city for each electric horse power to be sold to consumers, shall be at the cost per horse power of producing and delivering in St. Catharines electricity from the said works

Proviso as to certain existing plants.

Provided that it shall not be lawful for the said city corporation nor for any person, firm or corporation acquiring power from the said city corporation to supply or furnish electric energy for lighting purposes within said city unless and until the said city corporation shall have first acquired under the provisions of subsection 4 of section 566 of *The Municipal Act* as amended by section 35 of *The Municipal Amendment Act, 1899*, the works and plant of the St. Catharines Electric Light and Power Company, Limited, and the plant of William Cooke.

Power to enter on highways, etc., of Lincoln and Welland.

8. It shall be lawful for the said Corporation of the City of St. Catharines, their servants, agents and workmen from time to time and at such times as they shall see fit and they are hereby authorized and empowered to enter into and upon such streets, roads, highways, lanes or other passages and lands of the Townships of Thorold and Grantham on such terms as may be agreed upon by the municipal councils of the said townships and the said city and in case of disagreement,

as



as may be fixed by the judge of the County Court of the County of Lincoln on, through, under, over, along or upon which it shall or may be necessary to lay down pipes, erect poles and wires and do other works necessary for the supplying, furnishing and transmitting of said electric power from any of their power houses so acquired as aforesaid, and the same to cut and dig up, if necessary and to lay down said pipes, erect said poles and wires and to do all other works necessary for the supplying, furnishing and transmitting of the said electric power on, through, under, over, along or upon the public streets, roads, highways, lanes, passages and lands of either of the said municipalities between any water power or water privilege and lands so acquired or developed as aforesaid and the said City of St. Catharines, doing as little damage as may be in the exercise of the powers hereby granted to the Corporation of the said City of St. Catharines.

9. It shall be lawful for the Corporation of the City of St. Catharines and they are hereby authorized and empowered to acquire by purchase or demise land and the buildings erected thereon or to acquire land and erect buildings thereon in the said City of St. Catharines for the purpose of leasing the same to any corporation, company or individual engaged or about to engage or who agree in consideration of the lease of such lands and buildings as aforesaid to engage in or extend any manufacturing business or enterprise in said City of St. Catharines and the said Corporation of the City of St. Catharines are hereby authorized to lease the said lands and buildings erected thereon or the said lands and buildings to be erected thereon so acquired as aforesaid to such corporation company or individual engaged or about to engage or who agree in consideration of such lease as aforesaid to engage in or extend any such manufacturing business or enterprise in the said city for such time and upon such terms and conditions as the municipal council of said city shall determine and the said Corporation of the City of St. Catharines may for the purposes aforesaid borrow upon the debentures of the corporation such sums as are required for the same for such periods as the corporation may by by-law determine. Or in the event of the said manufacturers so preferring the city corporation shall have power to aid them by way of loan, in the purchase of lands and erection of buildings for their manufactures, repayment to be secured upon the said lands and buildings by first mortgage and the said city corporation may issue debentures for the purpose of the said loan.

Acquiring  
lands and  
leasing etc.  
manufacturers

Loans to  
manufacturers

10. It shall be lawful for the Corporation of the City of St. Catharines and they are hereby authorized and empowered to contract for and acquire by purchase or demise from any corporation, company or individual engaged in the business of generating and supplying electric power in the said City of St. Catharines or elsewhere within the Counties of Lincoln and Welland electric power in such quantity or volume and upon such

Acquiring  
electric power  
etc. and sup-  
plying same.

such terms and conditions as the council of said city shall by by-law determine for its own use or for the purpose of sale and delivery by way of demise to any company, corporation or individual engaged or about to engage or who may agree in consideration of the delivery of such electric power by way of demise as aforesaid to engage in or extend any manufacturing business or enterprise in the said city and the said Corporation of the City of St. Catharines are hereby authorized and empowered to contract with such corporation, company or individual so engaged or about to engage or who may in consideration of the delivery of such electric power by way of demise as aforesaid agree to engage in or extend any such manufacturing business or enterprise as aforesaid respecting the terms and conditions of such delivery of electric power, and the Corporation of the City of St. Catharines may for the purpose aforesaid borrow upon the debentures of the corporation such sums as are required for the same for such periods as the corporation may by by-law determine.

Assent of  
ratepayers.

**11.** Before acquiring any quantity or volume of electric power for the purposes mentioned in the 10th section of this Act, and before acquiring any lands and the buildings erected thereon or lands for the purpose of erecting buildings thereon for the purposes mentioned in the 9th section of this Act, a by-law shall be submitted to the ratepayers of the said city setting forth the agreement for such acquisition which shall have been previously entered into subject to ratification by the ratepayers, and if the acquisition is of lands for the purpose of erecting building thereon, also setting forth the estimated cost of such proposed buildings, and further setting forth in succinct terms the nature and terms of the agreement with any such corporation, company or individual engaged or about to engage, or who in consideration of the delivery of such electric power, or the lease of such land and buildings as the case may be, agree to engage in or extend any manufacturing business or enterprise in the said City of St. Catharines, which agreement shall also have been previously entered into subject to ratification by the ratepayers, the amount required to be borrowed for the purpose of such acquisition, and if the acquisition is of lands for the purpose of erecting buildings thereon, the amount also required for the erection of such proposed buildings, and containing generally all such matters as are required by *The Municipal Act* in relation to money by-laws.

Rev. Stat.  
c. 223.

Taking vote  
of ratepayers.

**12.** The vote of the ratepayers upon such by-law shall be taken in the manner provided by sections 338 to 365, both inclusive of *The Municipal Act*, and the persons entitled to vote thereon shall be the persons named in the said sections, and in case a majority of such persons vote in favour of the by-law the council shall pass the same. The debentures issued by the said corporation in respect of any lands and buildings

Debentures to  
be a charge on  
property in

or lands for the purpose of erecting buildings acquired by the said city corporation as aforesaid shall be and continue a first charge or lien on the particular property for and in respect to which such debentures shall be issued until the debt which such debentures represent is fully paid.

respect of  
which issued.

**13.** It shall be the duty of the treasurer of the said city to keep, and it shall be the duty of the council of said city to cause him to keep a proper book of accounts setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of accounts and statement shall at all times at all reasonable hours be open to the inspection of any ratepayer of the said city and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred.

Treasurer to  
keep books  
showing de-  
benture  
account

**14.** No provisions in *The Municipal Act* and nothing contained in the Act passed in the 56th year of Her Majesty's reign, chaptered 79, which are or may be inconsistent with the provisions of this Act or any of them shall apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or any by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-laws or issue of such debentures or as to the application of the proceeds thereof.

Inconsistent  
enactments  
not to apply.

Informalities  
not to invali-  
date by-law or  
debentures.

**15.** The amount of debentures authorized to be issued for the purposes of this Act shall not exceed in all the sum of \$150,000, payable in not exceeding thirty years from the day on which they respectively bear date, and shall bear interest at a rate not exceeding four per cent. per annum, payable half yearly, and coupons shall be attached to provide for the payment of the interest. The said debentures shall be in sums of not less than one hundred dollars each, and shall be signed by the mayor and the treasurer of the City of St. Catharines for the time being, and shall be made payable at such place as the council of the said city corporation may direct.

Issue of de-  
bentures not  
to exceed  
\$150,000.



Nomination  
and election of  
water commis-  
sioners.

**16.** At elections of commissioners of the waterworks commission of the City of St. Catharines under and pursuant to substituted section 17 of section 8 of the Act passed in the 39th year of Her Majesty's reign, chaptered 47, and section 1 of the Act passed in the 59th year of Her Majesty's reign, chaptered 91, the words in said substituted section 17, "shall be elected at the same time and by the same persons, and in the same manner as members of the municipal council," shall be held to intend and mean that the said commissioners shall be nominated at the same time and place and in the same manner, and under the presidency of the same returning officer, and shall be elected by general vote of the electors of the said city at the same time and place and in the same manner as aldermen of the said city, and it is hereby declared that vacancies in the said water works commission of the City of St. Catharines shall happen and be created in the same manner and for the same causes as vacancies in the municipal council of the said city, and shall be filled in the same manner with regard to the nomination and election of a commissioner to fill such vacancy as a vacancy in the municipal council of said city, and the election of a commissioner to fill such vacancy shall be by general vote of the electors of said city.

Vacancies.

Public school  
trustees, elec-  
tion of.

**17.** So long as the election of public school trustees of the City of St. Catharines shall continue to be held by ballot, pursuant to sub-sections 1 and 3 of *The Public Schools Act*, the words in said sub-section 3, "such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the manner as the municipal nominations and elections of aldermen or councillors are conducted," shall be held to intend and mean with regard to the election of public school trustees of the City of St. Catharines that the said public school trustees shall be nominated at the same time and place, and in the same manner, and under the presidency and direction of the same returning officer, and shall be elected by general vote of the electors of the said city at the same time and place and in the same manner as aldermen of the said city, and it is hereby declared that a vacancy in the St. Catharines public school board shall be filled in the same manner with regard to the nomination and election of a public school trustee to fill such vacancy as a vacancy in the municipal council of the said city, and the election of a public school trustee to fill such vacancy shall be by general vote of the electors of said city.

Vacancies.

Election by  
general vote.

**18.** The two preceding sections of this Act shall be and remain in force only so long as the municipal council of the said City of St. Catharines shall continue to be elected by general vote of the electors of said city.

Election of  
commissioners  
and school  
trustees

**19.** The election of commissioners of the water works commission of the City of St. Catharines and of public school trustees of the said city held and conducted on the 22nd day of

of December, 1899, and the 1st day of January, 1900, is hereby validated and confirmed with regard to the manner of their election, for 1900 confirmed.

**20.** Section 8 of chapter 91 of the Acts of the late Province of Canada passed in the 20th year of Her Majesty's reign and sections 5 and 11 of chapter 70 of the Acts of the Legislative Assembly of the Province of Ontario passed in the 52nd year of Her Majesty's reign are repealed, provided that neither section 3 of chapter 79 of the Acts passed in the 42nd year of Her Majesty's reign nor section 9 of the Acts of the Province of Ontario passed in the 20th year of Her Majesty's reign shall be revived. Section 6 of chapter 70 of the Acts passed in the 52nd year of Her Majesty's reign is amended by striking out that portion of the said section from and including the word "and" in the 8th line thereof down to and including the word "thereof" in the 11th line thereof. Certain former Acts respecting St. Catharines amended.

**21.** The water works commission of the City of St. Catharines shall regulate the distribution and use of water in all places and for all purposes where the same may be required and from time to time shall fix the prices, rates or rents for the use thereof by the owners or occupants of any lands, houses, tenement lot or part of lot in respect of such premises and they may regulate such number of public hydrants in such places as they shall see fit and direct in what manner and for what purpose the same shall be used, all of which they may change at their discretion. Provided always that all hydrants, conduits and other appliances required and furnished for the extinguishment of fires shall be placed as the council of the Corporation of the City of St. Catharines shall direct and shall be under their exclusive control and direction for fire purposes only. Powers of water works commission.

**22.** In addition to the sum charged the owner or occupants of lands, houses, tenements, lots, or parts of lots for the use of water, the said water works commission shall have power from time to time to levy or charge an additional water rate or rent upon the several properties whether vacant or occupied and whether or not buildings are erected on said lands, fronting or abutting upon all streets, lanes or alleys in through or along which water mains run or are laid whether the owners or occupants use the water or not for general purposes and also upon the personal property other than income of such owners or occupants, which rate shall be a uniform rate according to the value of the said lands or premises and personal property as determined by the last revised assessment roll of the City of St. Catharines, which rates may be changed from time to time as the said water works commission may determine, and the owners of said personal property shall not in respect of said water rates or rents be entitled to exemption under sub-section 24 of section 7 of *The Assessment Act*. Frontage rates on streets on which mains laid.

Special rates  
for certain  
classes.

**23.** In lieu of the sum or sums so charged as aforesaid the said water works commission shall have power to fix a special rate or rent to be paid for the use of water by hydrants, fireplugs, public buildings, livery stables, hotels, manufactories, railway companies, water motors, or for any special use of the water beyond ordinary use thereof by householders, but the charge or sum levied or assessed by the said Water Commission against the said Corporation of the City of St. Catharines for and in respect of the fire hydrants in use in the said city shall not be more than twenty dollars per annum for each hydrant.

Rates to be a  
lien on pro-  
perty liable.

**24.** All water rates or rents which shall be imposed, levied, or assessed by the said water works commission under the authority of this Act and the by-laws of the said water commission shall be payable by the owners or occupants of the lands, houses, properties, tenements, lots, or parts of lots, or personal property in respect whereof the said water rates or rents are charged and shall be and continue a lien or charge until paid upon the real estate in respect of which such rates or rents are imposed, levied, or assessed in the same manner and to the same extent as municipal taxes, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Discount for  
pre-payment,  
etc.

**25.** The said water works commission may pass by-laws for allowing a discount for prepayment of water rates or rents at such rate or percentage as the said commission may determine, and may also pass by-laws providing for the addition of a certain percentage or percentages to water rates or rents not paid at maturity, and the said commission shall have the like powers for levying the said addition to the rates or rents as for levying the rates or rents and shall levy the same accordingly, and the said commission may from time to time alter or repeal any of such by-laws.

Rates for re-  
payment of  
debentures.

**26.** The water works commission of the City of St. Catharines shall raise annually from the said water rates or rents over and above the expenses of maintaining and managing the said water works a sum not less than sufficient to pay the interest and create a sinking fund for the payment of the principal of such of the debentures of the Corporation of the City of St. Catharines as have been issued and sold or negotiated under the authority of chapter 79 of the Acts passed in the 56th year of Her Majesty's reign known as *The City of St. Catharines Debt Consolidation Act, 1893*, for the purpose of paying, taking up or retiring the debentures of the said city theretofore issued under and by virtue of chapter 91 of the Acts of the late Province of Canada passed in the 20th year of Her Majesty's reign and chapter 39 of the Acts of this Province passed in the 41st year of Her Majesty's reign for the construction and extension of the water works system of the



the said city, and to pay the interest and create a sinking fund for the payment of the principal of the debentures of the said Corporation of the City of St. Catharines issued under and by virtue of chapter 70 of the Acts passed in the 52nd year of Her Majesty's reign or of such of the debentures of the said city corporation as shall or may hereafter be issued under the authority of *The City of St. Catharines Debt Consolidation Act, 1893*, for the purpose of paying, taking up or retiring the said debentures or any of them so issued as aforesaid under and by virtue of chapter 70 of the Acts passed in the 52nd year of Her Majesty's reign, and the said sum shall be applied to the purposes herein specified and for no other purpose whatever. The portion or amount of the debentures of the City of St. Catharines issued or to be issued as aforesaid, in respect of which the said water works commission shall be bound to raise annually from the said water rates and rents a sum not less than sufficient to pay the said interest and provide the said sinking fund under the terms and requirements of this section is hereby fixed at the sum of \$305,000. This section shall not come into force until the 1st day of January, 1901.

27. If any property is acquired under the powers conferred by section 1 in the Village of Merriton, such property shall nevertheless remain subject to assessment and taxation in the same manner as property owned by a private individual.

Property acquired in Merriton to remain liable to taxation.

## CHAPTER 93

An Act to confirm By-Law No. 1,254 of the City of St. Catharines.

*Assented to 30th April, 1900.*

**W**HEREAS the Welland Hotel and Sanatorium Company, Limited, being desirous of making certain improvements and extensions to their hotel premises in the City of St. Catharines, have requested the municipal corporation of the said city to fix the assessment upon said property at the sum of fifteen thousand dollars for a period of ten years from the first day of January, 1900; and whereas the municipal corporation of the said city did on the 11th day of December, A.D. 1899, enact by By-law No. 1,254 of the said corporation, that the said company's assessment should be so fixed at the sum of fifteen thousand dollars as aforesaid, and the said company has

Preamble.

has by its petition prayed that the said by-law be legalized and declared binding upon the said corporation; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law 1,254,  
fixing assess-  
ment of Wel-  
land Hotel  
and Sanator-  
ium Company,  
Limited.

1. By-law No. 1,254 of the Municipal Council of the City of St. Catharines, entitled "A By-law to fix the assessment of the property of the Welland Hotel and Sanatorium Company, Limited, commonly known as the Welland House, at the sum of fifteen thousand dollars for a period of ten years," passed by the said Council on the 11th day of December, 1899, is hereby declared legal, valid and binding upon the said corporation. Provided, however, that nothing in the said by-law contained shall affect the assessment of the lands, buildings and premises above mentioned for school purposes, and the said lands, buildings and premises shall in all respects be assessed for and be liable to taxes for school purposes in the same manner and to the same extent as if the said by-law had not been passed.

## SCHEDULE A.

### By-Law No. 1,254.

A By-law to fix the assessment of the property of the Welland Hotel and Sanatorium Company, Limited, commonly known as the Welland House, at the sum of fifteen thousand dollars for a period of ten years.

Whereas the Welland Hotel and Sanatorium Company, Limited, the owners of the above property, desire to make extensive improvements thereto, and have requested this Council that in view of their doing the same their assessment be fixed at the sum of fifteen thousand dollars for a period of ten years.

And whereas this Council deems it expedient to accede to the said request so far as it has power so to do;

Be it therefore enacted by the municipal council of the City of St. Catharines, that the assessment of the property of the Welland Hotel and Sanatorium Company, Limited, situate at the corner of Ontario and King streets, in the City of St. Catharines, known as the Welland House, and premises connected therewith, as the said property and premises are mentioned and described in the assessment roll of the City of St. Catharines for the year 1899, be fixed at the sum of fifteen thousand dollars for each year during a period of ten years from the first day of January, 1900.

Adopted and passed on the 11th day of December, 1899, and amendment thereto of February 5th, 1900.

J. ROLLISON,  
City Clerk.

M. Y. KEATING,  
Mayor.



CHAPTER

## CHAPTER 94

## An Act respecting the Municipalities of Shuniah and Neebing.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporations of the Municipalities of Shuniah and Neebing have by petition prayed that all assessment rolls of the said municipalities as heretofore finally revised and all sales of lands for taxes heretofore held by the Municipalities of Shuniah and Neebing and all purchases and sales by the Municipalities of Shuniah and Neebing made pursuant to sub-section 3 of section 184 of *The Assessment Act* may be confirmed and validated; and whereas it is expedient to grant the prayer of the said petitions to the extent hereinafter provided: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All assessment rolls of the Corporations of the Municipalities of Shuniah and Neebing heretofore finally revised are hereby confirmed and validated and declared to be legal, valid and binding upon all parties or persons affected thereby. Assessment rolls legalized.

2. Every sale of land by the Corporations of the Municipalities of Shuniah and Neebing held before the first day of January, 1897, for arrears of taxes including any sale to the said municipalities under subsection 3 of section 184 of *The Assessment Act* is hereby validated and confirmed and made legal and binding upon all parties and persons affected thereby. Provided that any taxes were in arrear in respect of the land sold for the third or more years preceding the sale thereof and provided that an action is not brought to set aside the sale and a certificate of *lis pendens* duly registered within six months after the passing of this Act. Provided also that no sale of land which has not been correctly described in the advertisement of the sale nor any sale purporting to be of an undivided partial interest in any land shall be made valid by this Act nor shall this Act make valid any tax deed in which the description fails to conform with the sale. Tax sales confirmed.

3. All purchases by the Corporations of the Municipalities of Shuniah and Neebing made pursuant to subsection 3 of section 184 of *The Assessment Act* are hereby confirmed and validated, notwithstanding the same were not made within the time prescribed by statute. Purchases and sales under Rev. Stat. c. 224, s. 184, sub. 3, confirmed.



## CHAPTER 95

## An Act to consolidate the Debt of the Township of Sheffield.

*Assented to 30th April, 1900.*

## Preamble.

**W**HEREAS the Municipal Corporation of the Township of Sheffield, has, by petition, represented that the said corporation has incurred debts to the amount of \$8,500, being \$7,000 on account of railway debentures, and \$1,500 for the erection of their town hall, destroyed by fire, and for the payment of which there are no funds available, and that the payment of the said debts in one year would be unduly oppressive to the ratepayers of the said township, and that at a public meeting of the said ratepayers called for that purpose it was unanimously resolved that a consolidation of the said debts would be in the best interests of the said township, and the said corporation has prayed that the said debenture debt and the said debt for the erection of the said town hall may be consolidated and authority given to issue debentures for that purpose; and whereas the said petition has not been opposed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debt consolidated at \$8,500.

1. The said debts of the said Corporation of the Township of Sheffield are hereby consolidated at the sum of \$8,500.

Power to issue debentures for \$8,500.

2. The said the Municipal Corporation of the Township of Sheffield may issue debentures under its corporate seal, signed by the reeve, and countersigned by the treasurer, for the time being, for such sums not less than \$100 each and not exceeding \$8,500 in the whole, as the said corporation may by by-law from time to time direct, and the principal sum of the said debentures and the interest thereon may be made payable at such place as the corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Power to raise money on debentures.

3. The said corporation may, for the purposes hereinafter mentioned, raise money by way of loan on the said debentures, or sell and dispose of the said debentures from time to time as it may deem expedient.

4. The said debentures shall be made payable in not more than twenty years from the first day of January, 1900, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate, not exceeding four per centum per annum, as the said corporation shall direct, and shall be payable yearly.

Form of  
debentures.  
Interest  
coupon.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years, from the first day of January, 1900, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt is to be discharged.

Payment of  
debt in annual  
instalments.

6. It shall not be necessary to obtain the assent of the electors of the said Township of Sheffield for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act.

Assent of  
electors not  
required.

Rev. Stat. 233.

7. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest thereon, or any or either of them, or any part thereof, and a purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Irregularity  
of form not to  
invalidate.

8. It shall be the duty of the treasurer from time to time of the said township to keep, and it shall be the duty of each of the members, from time to time, of the said Municipal Council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of

Treasurer to  
keep book  
showing state  
of debenture  
account.

of any ratepayer of the said township, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

**By-law not to be repealed until debt paid.** 9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

**Application of proceeds.**

10. The said corporation may raise money by the sale of the said debentures, and all moneys arising therefrom shall be applied by the said corporation in payment of the said railway debenture debt of \$7,000, and of the said debt of \$1,500 for the erection of the said town hall, and for no other purposes whatsoever.

**Form of Debentures.  
Form of By-law.**

11. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest thereon may be in the form of Schedule "B" to this Act, or to the like effect.

**Calling in outstanding debentures.**

12. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or substitution of the debentures authorized to be issued by this Act for the outstanding debentures or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act, to purchase or substitute for, as the case may be, any such debentures that may be purchased or arranged for.

**Indebtedness not discharged**

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the township of Sheffield of any indebtedness or liability which may not be included in the said debt.

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## SCHEDULE "A."

(Section 10.)

### DEBENTURES.

No. Province of Ontario, Township of Sheffield.

Under and by virtue of *An Act to consolidate the debt of the Township of Sheffield* passed by the Legislative Assembly of the Province of Ontario, in the Sixty-third year of the reign of Her Majesty Queen Victoria, and chaptered \_\_\_\_\_ and by virtue of by-law No. \_\_\_\_\_ of the corporation of the township of Sheffield, passed under the provisions contained



contained in the said Act, the corporation of the township of Sheffield promises to pay to the bearer, at the agency of the Merchants Bank of Canada, in the town of Napanee, the sum of \$ \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D, \_\_\_\_\_ and the yearly coupons for interest thereon hereto attach as the same shall severally become due.

Dated at Tamworth, in the township of Sheffield in the county of Lennox and Addington this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

Reeve.

Treasurer.

## SCHEDULE "B."

(Section 10.)

By-law No. \_\_\_\_\_ to authorize the issuing of debentures under the authority of *An Act to consolidate the debt of the Township of Sheffield.*

Whereas the said Act authorizes the issuing of debentures for the purposes therein mentioned, not exceeding the sum of \$8,500 in the whole, as the corporation of the township of Sheffield may, in pursuance of and in conformity with the provisions of the said Act, direct.

And whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of \$8,500, payable \_\_\_\_\_ with interest thereon at the rate of four per centum per annum, payable yearly, according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the said township of Sheffield, according to the last revised assessment roll of the said township, being for 1899, was \$676,045.

Therefore, the municipal corporation of the township of Sheffield enacts as follows :—

(1) Debentures under the said Act and for the purposes mentioned therein to the extent of the sum of \$8,500, are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons attached thereto for the payment of interest at the rate of four per centum per annum, payable yearly on the \_\_\_\_\_ day of \_\_\_\_\_ in each year.

This by-law passed in open council this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord, nineteen hundred.

## CHAPTER 96

## An Act respecting the Town of Smith's Falls.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Smith's Falls has by petition represented that the council of the said corporation on the 19th day of September, 1899, duly passed by-law No. 485 of the said town entitled "A By-law to raise by way of loan the sum of \$150,000 for the purpose of purchasing the present water works system of Adam Foster in the Town of Smith's Falls, for the improving and extending of that system, for the construction of a system of sewers in connection therewith in the said town, and to authorize the issue of debentures therefor"; and whereas before the final passing of the said by-law the same was duly submitted to a vote of the ratepayers in accordance with the provisions of *The Municipal Act* and was assented to by a large majority of the said ratepayers voting thereon; and whereas the said corporation has by the said petition represented that owing to the existence of large quantities of rock in the road beds of the streets of the said town the carrying out of the works referred to in the said by-law is unusually difficult and expensive and the engineer in charge of the said works has reported that it is necessary that the sewers and water mains be laid in one trench and that difficulties have consequently arisen in the construction, maintenance and extension of the said works and the raising of money to defray the cost thereof by reason of the said works being governed by different statutory provisions; and whereas the said corporation has further represented that it is expedient that the said system of sewers and water works when extended should be extended at the same time, and that the said corporation should be authorized to issue one set of debentures extending over 40 years to defray the cost thereof and that should the said sewers be hereafter extended as a local improvement the corporation may be authorized to charge a uniform frontage rate upon the real property opposite to which such extensions are constructed, and the said town may be authorized to pay out of the general funds of the corporation a portion of the cost of such extensions; and whereas the said corporation has by the said petition prayed that the council of the said corporation may be authorized to pass a by-law to amend the said by-law No. 485 by extending for a further term of ten years the period within which the debt to be created under the said by-law may be payable, and by providing that the interest payable upon the said debt may be at

a.

a rate not exceeding four per cent. per annum; and whereas the said corporation has by the said petition prayed that the said by-law No. 485 subject to such amendment may be validated and confirmed; and whereas the said corporation has by the said petition further represented that in the event of commissioners being hereafter elected under the provisions of *The Municipal Water Works Act* the construction of the waterworks in the said town would devolve upon the said commissioners and that it is expedient owing to the necessity for combining the said sewer and waterworks system that the said commissioners may be authorized to construct any unfinished portion of the sewers to be constructed under the said by-law and any extension of the said sewers; and whereas the said corporation has further prayed that it is expedient to validate and confirm by-laws Nos. 483 and 488 of the said Town of Smith's Falls set out in Schedule B and C respectively to this Act; and whereas no opposition has been offered by or on behalf of any ratepayer or otherwise to the said petition; and whereas it is expedient to grant the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Council of the Municipal Corporation of the Town of Smith's Falls to pass a by-law or by-laws amending by-law No. 485 of the said town (a true copy whereof is set out in schedule A to this Act) by extending by ten years the period within which the debt to be contracted under the said by law shall be payable and by fixing the rate of interest to be payable thereunder, at a rate not exceeding four per centum per annum, and by making such other changes in the words and figures in the said by-law 485 as may be necessary to make the said by-law conform to the said amendments, so that the debentures to be issued under the said by-law No. 485 shall be payable within a period of not more than 40 years and the interest upon the debt contracted under the said by-law shall be at a rate not exceeding four per cent. per annum, and it shall not be necessary to obtain the assent of the electors or ratepayers of the said town to the passing of such by-law or by-laws.

Permission  
to amend  
By-law No.  
485 by issuing  
40 year debentures at 4 per  
cent.

2. Subject to any amendment made as hereinbefore provided under the authority of this Act, the said by-law No. 485, is hereby confirmed and with the debentures to be issued under the said by-law as so amended is declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof, for all purposes whatever, notwithstanding any defect in substance or in form of the said by-law, No. 485, or in the said amending by-law, or in the manner of passing the same or otherwise and the said corporation is hereby authorized and empowered to do all necessary acts

By-law No.  
485 as amended  
confirmed.



acts for the full and proper carrying out of the said by-law No. 485, and any amending by-law passed under the authority of this Act.

Water commissioners authorized to construct extensions of sewers.

3. In the event of the said corporation electing water commissioners such commissioners are authorized and empowered to construct the sewers or any part thereof to be constructed under the said by-law No. 485, and any or all extensions of said system of sewers, and for these purposes all powers, rights, authorities, or immunities, which might be exercised or enjoyed by the council and the officers of the said corporation, acting for the said corporation, may and shall, at the request and direction of the said council, be exercised by the said commissioners, but nothing herein contained shall be construed to divest the council of its authority with reference to the construction of the said works and to the providing of moneys required in respect of such works, and the treasurer of the municipality shall, upon the said commissioners being so empowered, upon the written certificate of the commissioners, pay out any moneys so provided.

Power to extend sewers and waterworks systems and to raise money by debentures therefor.

4. It shall be lawful for the said corporation, from time to time, to pass by-laws for the extension of the said system of sewers authorized by by-law No. 485, (including in the said extensions, branches therefrom to the line of street), whenever the council thereof, by a vote of two-thirds of all the members of the said council at any regular meeting thereof, deem such extensions desirable and necessary in the public interest, and whenever any such extension of the said sewer system is so undertaken, it shall also be lawful for the said council at the same time and for the same distance to extend and improve, the waterworks system authorized by the said by-law No. 485 and to issue one set of debentures on the credit of the said corporation for any loan of money for the cost of any work of extension and improvement so undertaken, for such term of years not exceeding forty as the said council may think fit, and it shall not be necessary to obtain the assent of the electors or ratepayers of the said Town of Smith's Falls to any by-law passed under this section, or to observe any of the formalities in relation thereto prescribed by *The Municipal Act*.

Assent of electors not required.

Rev. Stat. c. 223

Town authorized to pay part of cost of local improvement.

5. In the event of any extension of the said system of sewers, or any of them, being initiated and constructed as a local improvement, it shall be lawful for the said corporation, whatever the actual cost of constructing the said sewers may be, to charge the lands fronting or abutting upon any street upon which such extension is constructed, a fixed uniform frontage rate, not exceeding the frontage rate chargeable as rent for the sewers built under the said by-law No. 485, and to assume and pay the balance (if any) of the cost of constructing such extensions out of the general funds of the corporation

corporation, and the said lands upon which a frontage rate has been so imposed shall in that case be liable to be rated and assessed for all sums over and above the said rents and frontage rates required by the said corporation for general sewerage tax.

6. By-law No. 483 of the Municipal Corporation of the Town of Smith's Falls, (a true copy whereof is set out in Schedule B to this Act) and all debentures issued or to be issued, thereunder are confirmed and declared to be legal valid and binding upon the said corporation and the ratepayers thereof. By-law No. 483 confirmed.

7. By-law No. 488 of the said corporation (a true copy whereof is set out in schedule C to this Act) and all debentures issued or to be issued thereunder are confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and to be lawfully passed and issued in conformity to, and as authorized by, the provisions of *The Smith's Falls Act, 1899*. By-law No. 488 confirmed.  
62 V. c. 80.

8. Any provisions contained in *The Municipal Act* and *The Municipal Waterworks Act*, and any amendments thereto, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the said by-laws or debentures or any of them, referred to in the foregoing sections of this Act, or passed and issued under the authority thereof, and no irregularity in the form of the said debentures shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation, for the recovery of the amount of the said debentures and interest or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the issue of such debentures, or any thereof, or as to the application of the proceeds thereof. Inconsistent provisions of Rev. Stat. cc. 223 and 235 not to apply.

9. This Act may be cited as *The Smith's Falls Act, 1900*. Short title.

## SCHEDULE A.

BY-LAW NO. 485.

(Section 1.)

By-law to raise by way of loan the sum of \$150,000 for the purpose of purchasing the present waterworks system of Adam Foster in the town of Smith's Falls, for the improving and extension of that system, for the construction of a system of sewers in connection therewith in said town and to authorize the issue of debentures therefor.

Whereas it is deemed expedient that the town of Smith's Falls should own and operate its own system of waterworks, and to this end have entered

tered into an agreement with Adam Foster the owner of the present system of waterworks. (provided this by-law is carried) for the purchase of the same, including therein all the land, buildings, machinery, plant and waterpower used and owned by him in connection therewith, and all interests he has in all contracts in connection with said system and in any sewers laid by him in said town at the price or sum of \$34,500 ;

And whereas it is further necessary for the protection of the health of the citizens of the said town of Smith's Falls that the said town shall improve and extend generally throughout the said town said system of waterworks and that in connection therewith should also construct a system of sewers and acquire such lands, plant, machinery and other property as may be required for that purpose, according to plans and estimates therefor prepared by Willis Chipman, civil and sanitary engineer ;

And whereas it is estimated the sum of \$40 500 will be required to improve and extend the said present system of waterworks, (in addition to the sum of \$34,500 required for its purchase), and the sum of \$75,000 for the construction of said system of sewers, in all the sum of \$150,000 being the amount of debt to be created by this by-law and in order to provide the said sum for the said purposes, it will be necessary to issue debentures of the said town of Smith's Falls for the sum of \$150,000 payable as hereinafter provided ;

And whereas it will be necessary to raise annually by special rate during the period of thirty years the sum of \$8,155.71, as set out in schedule hereinafter written, for paying off the \$150,000 and interest thereon at the rate of three and one-half per cent. per annum ;

And whereas the several annual amounts payable for principal and interests in the respective years are those respectively set out in the said schedule ;

And whereas the amount of the whole ratable property of the said municipality of the town of Smith's Falls according to its last revised assessment roll, being for the year 1899, is the sum of \$1,119,033 ;

And whereas the amount of the existing debenture debt of the said town for principal is the sum of \$63,825 and no part of the same or of the interest thereon is in arrears ;

Be it therefore enacted by the corporation of the town of Smith's Falls and it is hereby enacted by the council thereof as follows :

1. It shall be lawful for this corporation to purchase the present waterworks system of Adam Foster in the town of Smith's Falls as hereinbefore recited, to improve, extend, hold, maintain, manage and conduct said system throughout said town and to construct, build and maintain in connection therewith a system of sewers, together with all necessary buildings, materials, machinery and appurtenances thereto to said system belonging, under and subject to the provisions of *The Municipal Act* and *The Municipal Waterworks Act*.

2. It shall be lawful for the mayor of the said corporation, and he is hereby authorized and instructed, to borrow for the purposes aforesaid the sum of \$150,000, and to issue thirty debentures of the said corporation, each for the sum of \$8,155.71, dated on the 31st day of December, 1899, payable at the office of the treasurer of said corporation of the town of Smith's Falls, at the times set out in the said schedule, which said interest is reckoned on the unpaid principal at the rate of three and one-half per cent. per annum, computed from the 31st day of December, 1899.

3. It shall be lawful for the mayor of the said corporation, and he is hereby authorized and instructed, to sign and issue and to cause the same to be signed by the treasurer of said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the said municipality to the said debentures.

4. For the purpose of paying the said debentures an annual sum of \$8,155.71 shall be raised in each year by a special rate sufficient therefor, to be raised, levied and collected at the same time as the ordinary rates of the municipality in each year of the said period of 30 years, from and upon all the rateable property in the said municipality, and in addition to all other rates during the currency of the said debentures.

5. This by-law shall take effect on the 31st day of December, 1899.

The following is the schedule hereinbefore referred to . . .

No.



No. of debentures.	Time when payable.	Amount of interest.	Principal.	Total.
1 30th Dec.	1900	\$5,250 00	\$2,905 71	\$8,155 71
2 " "	1901	5,148 30	3,007 41	8,155 71
3 " "	1902	5,043 01	3,012 70	8,155 71
4 " "	1903	4,934 05	3,221 66	8,155 71
5 " "	1904	4,821 29	3,334 42	8,155 71
6 " "	1905	4,704 59	3,451 12	8,155 71
7 " "	1906	4,583 84	3,571 87	8,155 71
8 " "	1907	4,458 80	3,696 91	8,155 71
9 " "	1908	4,329 43	3,826 28	8,155 71
10 " "	1909	4,195 50	3,960 21	8,155 71
11 " "	1910	4,057 50	4,098 71	8,155 71
12 " "	1911	3,913 55	4,242 16	8,155 71
13 " "	1912	3,765 13	4,390 58	8,155 71
14 " "	1913	3,611 46	4,544 25	8,155 71
15 " "	1914	3,452 44	4,703 27	8,155 71
16 " "	1915	3,287 79	4,867 92	8,155 71
17 " "	1916	3,107 42	5,048 29	8,155 71
18 " "	1917	2,940 73	5,214 98	8,155 71
19 " "	1918	2,758 20	5,397 51	8,155 71
20 " "	1919	2,569 28	5,586 43	8,155 71
21 " "	1920	2,373 76	5,781 95	8,155 71
22 " "	1921	2,171 39	5,984 32	8,155 71
23 " "	1922	1,961 94	6,182 77	8,155 71
24 " "	1923	1,745 51	6,410 20	8,155 71
25 " "	1924	1,521 15	6,634 56	8,155 71
26 " "	1925	1,288 94	6,866 77	8,155 71
27 " "	1926	1,048 60	7,107 11	8,155 71
28 " "	1927	799 86	7,355 85	8,155 71
29 " "	1928	542 40	7,613 31	8,155 71
30 " "	1929	275 94	7,879 77	8,155 71

7. The votes of the duly qualified electors of the said municipality shall be taken upon this by-law on the 18th day of September, 1899, commencing at 9 o'clock in the forenoon and closing at 5 o'clock *in the afternoon* of the same day, at the following places in the said municipality by the following named deputy returning officers, that is to say :

In polling sub-division No. 1, in Dufferin ward, at the town hall, and that Daniel Gilday be the deputy returning officer thereat.

In polling sub-division No. 2, in Dufferin ward, at the public library, and that Wm. Keith be deputy returning officer thereat.

In polling sub-division No. 3 in Dufferin ward, at J. B. Lyle's office, and that Robert Goff be deputy returning officer thereat.

In polling sub-division No. 4 in Rideau ward, at council chamber, and that J. H. Ross be deputy returning officer thereat.

In polling sub-division No. 5 in Rideau ward, at Robert Lewis' office, and that J. A. Lewis be deputy returning officer thereat.

In polling sub-division No. 6 in Elgin ward, at W. Farnell's shop, and that G. C. Fowlie be deputy returning officer thereat.

In polling sub-division No. 7 in Elgin ward, at J. H. McGillivray's shop, and that J. H. McGillivray be deputy returning officer thereat.

In polling sub-division No. 8 in Elgin ward, at L. Rice's butcher shop, and that W. O. Sweeny be deputy returning officer thereat.

8. On the 16th day of September, 1899, at ten o'clock in the forenoon, the mayor shall attend at the office of the clerk of the said municipality to appoint persons to attend at the various polling places and at the final summing up of the votes by the said clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law, and the said clerk shall attend at the council chamber in the said town of Smith's Falls on the 19th day of September, 1899, at the hour of

12 o'clock noon, to sum up the number of votes for and against this by-law.

Passed 1st and 2nd reading July 17th, 1899.

Passed 3rd reading September 19th, 1899.



(Sgd) B. E. SPARHAM,  
Town Clerk.  
A. GRAY FARRELL,  
Mayor.

## SCHEDULE B.

BY-LAW No. 483

(Section 6.)

To raise by debentures the sum of \$20,000 for the purchase of a steam road roller and grader, and for permanent street improvement for the town of Smith's Falls.

Whereas by a report presented to the council on the first day of May, 1899, by the street committee, they did thereby recommend to the council certain street improvements and the purchase of a steam road roller and grader.

And whereas said council desire to make certain other additional permanent street improvements and to provide proper storage place for said machinery.

And whereas this council estimate the cost of said road machinery and said street improvements and said other work at \$20,000, and they desire to purchase said machinery and to do said work and to raise for that purpose the said sum of \$20,000.00 by debentures in manner and payable as hereinafter set out.

And whereas the amount of the debt to be created by this by-law is \$20,000-00 and the object from which it is created is the making of said street improvements and said other work and the purchasing of said road machinery.

And whereas under and in pursuance of the powers vested in this council under the Smith's Falls Act, 1899, the said council has authority to issue debentures for said purposes extending over a period of thirty years.

And whereas the total amount required to be raised annually by special rate on all the ratable property of the said town of Smith's Falls for a period of thirty years for paying off the said debt and interest thereon is the sum of \$1,087.42, as set out in the schedule hereinafter written.

And whereas the several annual amounts payable for principal and interest in the respective years are those respectively set out in the said schedule.

And whereas the amount of the whole ratable property in the said municipality of the town of Smith's Falls according to the last revised assessment roll being for the year 1898, is \$1,080,720 00.

And whereas the amount of the existing debenture debt of the said town is \$63,825.00, and no part of the same or of the interest thereon is in arrears.

Be it therefore enacted by the corporation of the town of Smith's Falls, and it is hereby enacted by the Council thereof as follows :

1. It shall be lawful for the mayor of the said corporation and he is hereby authorized and instructed to borrow for the purposes aforesaid the sum of \$20,000.00 and to issue thirty debentures of the said corporation each

each for the sum of \$1,087.42, payable at the office of the treasurer of the said municipality in the town of Smith's Falls, and at the times set out in the said schedule to this by-law and such debentures shall represent in the respective years the amounts of principal and interest respectively as shown in said schedule, which said interest is reckoned on the unpaid principal at the rate of three and one-half per centum per annum, computed from the thirty-first day of December, 1898.

2. It shall be lawful for the mayor of the said municipality and he is hereby authorized and instructed to sign the said debentures hereby authorized to be issued and to cause the same to be signed by the treasurer of the said municipality and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

3. For the purpose of paying the said debentures an annual sum of \$1,087.42 shall be raised and levied in each year by a special rate sufficient therefor to be raised, levied and collected at the same time as the ordinary rates for the municipality in each year of the said period of thirty years from and upon all the ratable property in the said municipality in addition to all other rates during the currency of the said debentures.

4. This by-law shall take effect on and from the date of the passing thereof, which date shall be the date of the issue of the said debentures.

5. The following is the schedule hereinbefore referred to :—

No. of Debenture.	Time when payable.	Amt of Int.	Amt of Prin.	Total.
1	Dec. 31st, 1899	\$700 00	\$387 42	\$1,087 42
2	" " 1900	686 44	400 98	1,087 42
3	" " 1901	672 40	415 02	1,087 42
4	" " 1902	657 88	429 54	1,087 42
5	" " 1903	642 84	444 58	1,087 42
6	" " 1904	627 28	460 14	1,087 42
7	" " 1905	611 18	476 24	1,087 42
8	" " 1906	594 51	492 91	1,087 42
9	" " 1907	577 26	510 16	1,087 42
10	" " 1908	559 40	528 02	1,087 42
11	" " 1909	540 92	546 50	1,087 42
12	" " 1910	521 79	565 63	1,087 42
13	" " 1911	502 00	585 42	1,087 42
14	" " 1912	481 51	605 91	1,087 42
15	" " 1913	560 29	627 13	1,087 42
16	" " 1914	438 34	649 08	1,087 42
17	" " 1915	415 62	671 80	1,087 42
18	" " 1916	392 11	695 31	1,087 42
19	" " 1917	367 78	719 64	1,087 42
20	" " 1918	342 59	744 83	1,087 42
21	" " 1919	316 52	770 90	1,087 42
22	" " 1920	289 54	797 88	1,087 42
23	" " 1921	261 61	825 81	1,087 42
24	" " 1922	232 71	854 71	1,087 42
25	" " 1923	202 79	884 63	1,087 42
26	" " 1924	171 83	915 59	1,087 42
27	" " 1925	139 79	947 63	1,087 42
28	" " 1926	106 62	980 80	1,087 42
29	" " 1927	72 29	1,015 13	1,087 42
30	" " 1928	36 76	1,050 66	1,087 42

\$20,000 00

6. The votes of the duly qualified electors of the said municipality shall be taken upon this by-law on the 14th day of August, 1899, commencing at nine o'clock in the forenoon and closing at five o'clock in the afternoon  
of



of the same day at the following places in the municipality by the following named deputy returning officers, that is to say :—

In polling subdivision No. 1, in Dufferin Ward at the Town hall and that Daniel Gilday be Deputy Returning Officer thereat.

In polling subdivision No. 2, in Dufferin Ward at the Public Library and that W. M. Keith be Deputy Returning Officer thereat.

In polling subdivision No. 3, in Dufferin Ward at J. B. Lyle's office and that Robert Goff be Deputy Returning Officer thereat.

In polling subdivision No. 4, in Rideau Ward at Council Chambers and that J. H. Ross be Deputy Returning Officer thereat.

In polling subdivision No. 5, in Rideau Ward at Robert Lewis' office and that J. A. Lewis be Deputy Returning Officer thereat.

In polling subdivision No. 6, in Elgin Ward at W. Farnell's shop and that G. C. Fowlie be Deputy Returning Officer thereat.

In polling subdivision No. 7, in Elgin Ward, at J. H. McGillivray's shop and that J. H. McGillivray be Deputy Returning Officer thereat.

In polling subdivision No. 8, in Elgin Ward at L. Rice's Butcher shop and that W. O. Sweeny be Deputy Returning Officer thereat.

7. On the 12th day of August, 1899, at the hour of ten o'clock in the forenoon the Mayor of the said municipality shall attend at the office of the Clerk of the said municipality for the appointment of, and shall appoint in writing signed by him two persons to attend at the final summing up of the votes given for and against this by-law and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law which place day and hour are hereby fixed for the said purpose.

8. The Clerk of the said municipality shall attend at the Council Chambers in the said Town of Smith's Falls on the 15th day of August, 1899, at the hour of 12 o'clock noon to sum up the number of votes given for and against this By-law which place day and hour are hereby fixed for that purpose.

Passed 1st and 2nd reading  
August, 16th, 1899.

(Sgd.) A. GRAY FARRELL,  
Mayor.

Passed 3rd reading  
September 19th, 1899.

(Sgd.) B. E. SPARHAM,  
Clerk.

{ L.S. }

## SCHEDULE C.

By-LAW No. 488.

### Section 7.

By-law to raise by debenture the sum of \$12,065.00, being part of the consolidated debt of the town of Smith's Falls, under and by authority of *The Smith's Falls Act, 1899.*

Whereas the corporation of the town of Smith's Falls, under and by virtue of the powers vested in it by an Act of the Ontario Legislative Assembly, namely chapter 80 of the Acts passed in the 62nd year of Her Majesty's reign, entitled *An Act respecting the town of Smith's Falls*, desires to issue debentures, extending over a period of thirty-five years, for  
the

the sum of \$12,065.00, in the manner and payable as hereinafter set out, said sum being part of the total sum of \$63,825 at which the indebtedness of the said town of Smith's Falls was consolidated by said Act, and which said debentures of \$12,065.00 are the first portion of the \$63,825 to be issued under the authority of said Act.

And whereas the total amount required to raise annually by special rate on all the ratable property of the said town of Smith's Falls for a period of thirty-five years, for paying of the said sum of \$12,065.00 and the interest thereon, is the sum of \$603.23 as set out in the schedule hereinafter written.

And whereas the several annual amounts payable for principal and interest in the respective years are those respectively set out in the said schedule.

And whereas the amount of the whole ratable property in the said municipality of the town of Smith's Falls according to the last revised assessment roll being for the year 1899 is \$1,119,033.

And whereas the amount of the existing debenture debt of the said town, including therein the sum of \$150,000.00 authorized this year to be issued for sewerage and water works, and the sum of \$20,000.00 also authorized this year to be issued for permanent street improvements, is the sum of \$238,825, and no part of same or of the interest thereon is in arrears.

Be it therefore enacted by the corporation of the town of Smith's Falls, and it is hereby enacted by the council thereof, as follows—

1. It shall be lawful for the mayor of the said corporation, and he is hereby authorized and instructed to borrow for the purposes aforesaid, the sum of \$12,065.00, and to issue thirty-five debentures of the said corporation each for the sum of \$603.23, payable at the office of the treasurer of the said municipality, in the town of Smith's Falls, and at the times set out in the said schedule by this by-law and such debentures, to be called *The Consolidated Debt Debentures*, shall represent in the respective years the amount of principal and interest respectively, as shown in said schedule, which said interest is reckoned on the unpaid principal at the rate of three and one-half per centum per annum, computed from the 31st day of December, 1899.

2. It shall be lawful for the mayor of the said municipality, and he is hereby authorized and instructed, to sign the said debentures hereby authorized to be issued and to cause the same to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

3. For the purpose of paying the said debentures an annual sum of \$603.23 shall be raised and levied in each year by a special rate sufficient therefor to be raised, levied and collected at the same time as the ordinary rates for the municipality in each year of the said period of thirty-five years from and upon all the ratable property in the said municipality in addition to all other rates during the currency of the said debentures.

4. This by-law shall take effect on the 31st day of December, 1899, which date shall be the date of the issue of said debentures.

5. The following is the schedule hereinbefore referred to :

No. of debenture.	Time when payable.	Amount of interest.	Amount of principal.	Total.
1	Dec. 30th, 1900	\$422 27	\$180 96	\$603 23
2	" 1901	415 94	187 29	603 23
3	" 1902	409 39	193 84	603 23
4	" 1903	402 61	200 62	603 23
5	" 1904	395 59	207 64	603 23
6	" 1905	388 33	214 90	603 23
7	" 1906	380 81	222 42	603 23
8	" 1907	373 03	230 20	603 23
9	" 1908	364 98	238 25	603 23

No. of debenture.	Time when payable.	Amount of interest.	Principal.	Total.
10	" 1909	356 64	246 59	603 23
11	" 1910	348 01	255 22	603 23
12	" 1911	339 09	264 14	603 23
13	" 1912	329 84	373 39	603 23
14	" 1913	320 27	282 96	603 23
15	" 1914	310 37	292 86	603 23
16	" 1915	300 12	303 11	603 23
17	" 1916	289 52	313 71	603 23
18	" 1917	278 54	324 69	603 23
19	" 1918	267 18	336 05	603 23
20	" 1919	255 42	347 81	603 23
21	" 1920	243 25	359 98	603 23
22	" 1921	230 65	372 58	603 23
23	" 1922	217 61	385 62	603 23
24	" 1923	204 10	399 13	603 23
25	" 1924	190 14	413 09	603 23
26	" 1925	175 68	427 55	603 23
27	" 1926	160 72	442 51	603 23
28	" 1927	145 23	458 00	603 23
29	" 1928	129 20	474 03	603 23
30	" 1929	112 61	490 62	603 23
31	" 1930	95 44	507 79	603 23
32	" 1931	77 67	525 56	603 23
33	" 1932	59 27	543 96	603 23
34	" 1933	40 23	563 00	603 23
35	" 1934	20 52	582 71	603 23

Passed 1st, 2nd and 3rd readings December 15th, 1899.

(Signed) A. GRAY FARRELL,  
Mayor.

{ L. S. }

(Signed) B. E. SPARHAM,  
Clerk.



## CHAPTER 97

An Act respecting an agreement between the City of Stratford and the Grand Trunk Railway Company of Canada.

*Assented to 30th April, 1900.*

WHEREAS the City of Stratford and the Grand Trunk Railway Company of Canada have by their respective petitions prayed that an Act may be passed confirming and declaring legal and valid a certain agreement made the twenty-seventh day of February, A.D. 1900, by and between the Corporation of the City of Stratford and the Grand Trunk Railway Company of Canada, which agreement is set forth in Schedule A to this Act; and whereas no opposition has been offered to the said petitions; and whereas it is expedient to grant the prayer of the said petitions; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The agreement set out in the Schedule A to this Act is hereby confirmed and declared legal and valid for all purposes, and it shall be lawful for the Corporation of the City of Stratford and the Grand Trunk Railway Company of Canada to do any and all acts necessary to carry out and give full effect to the said agreement in all respects and according to the spirit, true intent and meaning thereof. Agreement confirmed.

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SCHEDULE A.

This Agreement made this twenty-seventh day of February, in the year of our Lord, one thousand nine hundred. By and between, the Corporation of the City of Stratford, hereinafter called the city, of the first part, and the Grand Trunk Railway Company of Canada, hereinafter called the company, of the second part.

Whereas for the purpose of avoiding continuous dispute and litigation over the question of what is the proper assessable value of the property of the company situated in the city of Stratford under the provisions of *The Assessment Act* and amendments thereto the parties hereto have by way of mutual concession agreed that for the next ten years from and inclusive of the year 1900, the sum to be paid yearly by the said company in full for all taxes, rates and assessments that may be levied upon their property in the said city of Stratford shall be the sum of eight thousand dollars, save for local or frontage taxes, rates or assessments where the company's property is benefited in its use for the business and purposes of the railway, but this does not include street watering ;

Therefore this agreement witnesseth that the said parties hereto have and they hereby do covenant, promise and agree each with the other in manner following, that is to say :

1. The city covenants and agrees with the company that they will commute and fix for the next ten years (inclusive of the year 1900) the rates and taxes to be paid by the said company to the said city save for local or frontage rates, taxes, or assessments where the company's property is benefited thereby in its use for the business and purposes of the railway (but this does not include street watering), for and in respect of all assessable property now owned and occupied by the said company or which may be acquired and occupied by the said company for railway purposes during the next ten years within the limits of said city at the sum of eight thousand dollars, to be paid at the same time and upon the same terms as the taxes of the other ratepayers and to be subject in case of default to the same provisions and remedies for the collection thereof provided by *The Assessment Act* and any amendments thereto or any other Act or Acts now or to be in force with regard thereto. And the said city further agrees that the assessor or assessors appointed in any of the said ten years shall be relieved from the necessity or making the declaration or oath with regard to the assessable value of the said company's property on his assessment roll for any of the said ten years as required by the provisions of *The Assessment Act* or any similar provision in any amending Act.

2. The company covenants and agrees with the city that they accept the commutation of the rates and taxes, save for local or frontage rates, taxes or assessments where the company's property is benefited thereby in its use for the business and purposes of the railway (but this does not include street watering), on all their assessable property now owned or occupied within the limits of the said city, or that may be acquired, owned or occupied therein by the company for railway purposes within the said ten years at the sum of eight thousand dollars per year for the next ten years, from and inclusive of the year 1900, and the said company agrees to pay the said sum of eight thousand dollars at the times and upon and subject to the same conditions as the taxes of other ratepayers are payable, and that in case of default their property shall be subject to all the provisions and remedies for the collection of taxes as provided by *The Assessment Act* or any other Acts or Act now or to be in force with regard thereto. And the said company further agrees that notwithstanding any changes that may be made in the assessment laws of the Province or in the event of any judicial decision being given which would make it clear that the machinery and other fixtures and appliances used in the company's works at Stratford are not liable to assessment they, the said company, will continue to pay the commuted rate of eight thousand dollars per year for the next ten years, and covenant not to take any legal proceedings against the city or any of its officers or make any appeal against the assessment of their property in any one of said ten years.

3. The parties further covenant and agree each with the other to join in any application to the Legislative Assembly of the Province of Ontario for an Act to be passed to ratify, confirm and legalize this agreement; the expense in obtaining said Act to be paid by the company.

4. It is also agreed that this agreement shall not after said ten years be used to the prejudice of either party in any question which may then be raised (if any) as to the assessable value of said property or any part thereof.

In witness whereof, the parties hereto affixed their respective corporate seals on the day and year first above written.

Signed, sealed and delivered  
in the presence of  
FRANK A. COPUS,  
As to the Execution by the  
City of Stratford.

JAS. HODD,  
Mayor.

R. R. LANG,  
City Clerk.

{ City  
Seal. }

R. S. LOGAN.

{ THE GRAND TRUNK RAILWAY  
COMPANY OF CANADA.  
By CHAS. M. HAYS,  
General Manager.

{ Company's  
Seal }

## CHAPTER 98

An Act to enable the City of Stratford to guarantee for \$30,000 to be borrowed by George McLagan.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the City of Stratford has by petition represented that one George McLagan lately carried on business as a furniture manufacturer in the City of Stratford, employing about eighty men in such business, and that on the 1st day of March, 1900, the factory of the said George McLagan was destroyed by fire, and many workmen were as a result thrown out of employment; and whereas the said municipal corporation being desirous of granting assistance to the said George McLagan in the re-establishment of his said business, duly submitted to the vote of the ratepayers of the said city the by-law set out in Schedule A of this Act for the purpose of guaranteeing the payment of \$30,000 to be borrowed by said George McLagan or a company to be incorporated under the name of "The George McLagan Furniture Co., Limited, Stratford," upon the terms and conditions contained in the said by-law and in the form of agreement set out in Schedule B to this Act; and whereas 1,252 out of the total number of 1,599 of the ratepayers of the said City, qualified to vote on money by-laws, voted in favour of the said by-law and only 25 voted against the same; and whereas the said the Municipal Corporation of the City of Stratford has by the said petition prayed that an Act may be passed to authorize the municipal council of the said city to pass the said by-law, and to confirm the said by-law when so passed, and to authorize the said municipal corporation to enter into the agreement set out in Schedule "B" to this Act; and whereas it is expedient to grant the prayer of the said petition. Preamble

1. It shall be lawful for the Municipal Council of the said City of Stratford to pass the said by-law set out in Schedule "A" to this Act and intituled "By-law No. 852 of the City of Stratford, to authorize the said City to guarantee the payment of \$30,000 to be borrowed by George McLagan or a company to be incorporated under the name of The George McLagan Co., Limited, Stratford," and subject to the passing thereof, the said by-law is confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the City of Stratford and the ratepayers thereof. Authority to pass by-law.

2. Upon the passing of such by-law it shall be lawful for the Municipal Corporation of the City of Stratford to enter into Authority to enter into agreement.



into an agreement with George McLagan, of the said City of Stratford, or such corporate company as may be promoted by him in the terms set forth in Schedule "B" hereto, and such agreement upon the execution thereof shall be valid and binding upon the parties thereto.

Authority to  
guarantee  
payment.

3. It shall be lawful for the said Municipal Corporation of the City of Stratford upon the execution of the said agreement, and in pursuance thereof to guarantee the payment of the sum of \$30,000 to be borrowed by the said George McLagan or a corporate company to be formed by him in the manner and upon the terms set forth in the said agreement and to take security from the said George McLagan or the said corporate company in respect thereof in the manner set forth in Schedule "B," and to do any and all acts and things necessary to carry out and give full effect to the said agreement according to the true spirit, intent and meaning thereof.

Power to  
modify terms  
of agreement.

4. It shall be lawful for the said Municipal Corporation and said George McLagan or the said corporate company to modify the said proposed agreement by any provision that will lessen or reduce the concessions proposed to be made by the said corporation to the said George McLagan or corporate company, not lessening or reducing, however, the securities and guarantees in favour of the city.

#### SCHEDULE A.

By-law No. 852 of the City of Stratford, to authorize the said city to guarantee the payment of \$30,000 to be borrowed by George McLagan or a Company to be incorporated under the name of The George McLagan Furniture Co., Limited, Stratford.

Whereas the said George McLagan heretofore carried on business in the city of Stratford as a manufacturer of furniture and his factory was recently destroyed by fire, and he has determined upon the condition of this by-law being passed to rebuild in the said city of Stratford a new factory to cost not less than the sum of thirty-five thousand dollars.

And whereas it has been agreed in the event of his doing so, or his being able to form a joint stock company with capital stock of not less than ninety thousand dollars and inducing the said company to do so, that the said city shall and will guarantee the payment of a loan of thirty thousand dollars, to be obtained by the said George McLagan or company upon the security of the said factory and machinery and plant therein used therewith, to be repaid in sums of fifteen hundred dollars a year with interest as may be agreed upon between the said George McLagan or the said company and the lender of the money.

And whereas it is the intention, in the event of this by-law being adopted by a majority consisting of two-thirds of the ratepayers of the said city entitled to vote upon a money by-law, to apply to the Legislature of Ontario for an Act confirming the said by-law, and authorizing the said guarantee and the said agreement.

And whereas the amount of the whole rateable property of the said municipality according to the last revised assessment roll, being for the year 1900, is the sum of \$4,039,175.

And whereas the amount of the existing debt of the said municipality is the sum of \$692,275, of which the sum of \$407,000 is principal and the sum of \$285,275 is interest ; and of the said principal and interest nothing is in arrear.

Be it therefore enacted by the corporation of the city of Stratford as follows :

1. That it shall and may be lawful for the mayor and clerk of the said city and the council of the said city to enter into an agreement with the said George McLagan or with the company being promoted by him and to be incorporated under the Ontario Companies Act or The Companies Act, or both, for the purpose of carrying on the business of furniture manufacturing, to guarantee the repayment by the said George McLagan or by the said corporate company of the sum of thirty thousand dollars to be borrowed by him or them on a mortgage to be given upon the land upon which the said buildings are to be erected and the other lands connected and used therewith, together with the plant and machinery in the said buildings, and the said buildings to be hereafter erected for the purpose of carrying on the said business in the said city of Stratford, and also upon all other connections in the way of tracks or constructions, upon such terms that the said mortgage shall extend over and for twenty years and be reduced by payments of fifteen hundred dollars with interest in each year during the said twenty years.

2. That it shall and may be lawful for the mayor and council of the said city to make such conditions and stipulations in connection with the carrying on of the said business before executing any such guarantee, as to the said mayor and council for the time being seem fit in connection with the establishment and carrying on of the said works and the repayment of the said loan.

3. That in any event the said power shall not be exercised upon any agreement having any stipulation providing for the employment of less than at least ninety men for the first year, one hundred and twenty for the second year and one hundred and fifty for the following eighteen years continuously during each year, save one half month of each year, and saving also the right to arrange for default in the employment of the full complement of men being made good by its equivalent in the employment of an increased number to such an extent during each three years to make up for any such default.

4. That in any event the said power shall not be exercised until the said George McLagan or the corporate company aforesaid shall have erected within the year 1900 in the city of Stratford upon the lands selected by him or them as a site for the said factory the following buildings or their equivalent in size, that is to say :

(1) A main building two hundred and forty feet by fifty feet, four stories high, and also a basement story the whole size, the basement to be of substantial stone foundation and the four stories above that to be of brick, the first story to be two brick thick and the three stories above that a brick and a half thick.

(2) An engine room of at least thirty-five feet by thirty feet, and one story high, of substantial brick, well built upon substantial stone foundation.

(3) A drying kiln eighteen feet by one hundred feet, one story high, built of brick with stone foundation, said buildings with machinery therein costing not less than \$35,000. or in the event of costing less the guarantee to abate in proportion and upon the said lands and buildings and machinery therein the said mortgage shall be a first lien and charge.

5. That in the event of the said George McLagan or the said corporate company entering into such an agreement satisfactory to the council of the said city on the lines above indicated, the land whereon the said factory shall be erected and which shall be mortgaged as aforesaid, shall be exempt from taxation for the period of twenty years from the first day of January next preceding the giving of the said guarantee should the said guarantee be given in the first half of the year, and in the event of its being

being given in the last half of the year then from the first day of January next succeeding the giving thereof; provided always that if the land acquired for the purpose of erecting the said buildings thereon exceed two thousand dollars of assessable or assessed value then such excess shall not be exempt.

6. This by-law shall take effect and come into force on the Seventeenth day of April, 1900.

7. On the sixth day of April, 1900, at the hour of ten o'clock in the forenoon at the Mayor's office, Stratford, the appointment of persons to attend to the polling places and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law will be made.

8. The Clerk of the said municipality shall sum up the number of votes given for or against this by-law on Thursday, the twelfth day of April, A.D. 1900, at the Clerk's office, Stratford.

9. The votes of the ratepayers entitled to vote on this by-law shall be taken thereon at the places hereinafter mentioned, and the said votes shall be so taken on the tenth day of April, A.D. 1900, the polls to be open at the hour of nine o'clock in the forenoon and be closed at the hour of five o'clock in the afternoon, and the persons also hereinafter named shall be the returning officers to take votes at the said polls.

For the first sub-division of Avon Ward, at Wilkinson's Soda Water Works, Huron street, Arthur Bushfield, returning officer.

For the second sub-division of Avon Ward, at the Avon Ward Public School House, Caledonia street, W. S. Cowan, returning officer.

For the first sub-division of Falstaff Ward, at Lamb & Bates' Pump Shop, Ontario street, P. R. Jarvis, returning officer.

For the second sub-division of Falstaff Ward, at Falstaff Ward Public School, William street, Walter Miller, returning officer.

For the first sub-division of Hamlet Ward, at Central School House, St. Andrew's street, D. R. McPherson, returning officer.

For the second sub-division of Hamlet Ward, at Hamlet Ward Public School House, Galt street, Walter McMillan, returning officer.

For the first sub-division of Romeo Ward, at Hagarty's store, Brunswick street, John Reid Stewart, returning officer.

For the second sub-division of Romeo Ward Public School House, Grange street, J. R. Boothby, returning officer.

For the third sub-division of Romeo Ward, at Pratt's store, Ontario street, James J. Dunsmore, returning officer.

For the fourth sub-division of Romeo Ward, at Bolger's store, Shakespeare street, W. S. Bolger, returning officer.

For the fifth sub-division of Romeo Ward, at Mrs. Lamb's house, Frederick street, John B. Capitian, returning officer.

For the sixth sub-division of Romeo Ward, at David Morrison's house, Nile street, Henry Brewer, returning officer.

For the first sub-division of Shakespeare Ward, at the Board of Health Office, City Buildings, H. W. Copus, returning officer.

For the second sub-division of Shakespeare Ward, at Durst's Cooper Shop, Wellington street, John O'Donoghue, the younger, returning officer.

For the third sub-division of Shakespeare Ward, at Mrs. Behrenwald's house, McKenzie street, Thomas Henderson, returning officer.

For the fourth sub-division of Shakespeare Ward, at the Shakespeare Ward, Public School House, Strachan street, Samuel Robb, returning officer.

For the fifth sub-division of Shakespeare Ward, at W. J. Pepper's store, Nelson street, W. J. Morrow, returning officer.

This by-law passed in open Council this                      day of                      in the year of our Lord one thousand nine hundred.

City Clerk.

Mayor.

SCHEDULE



## SCHEDULE B.

This Agreement made (in duplicate) this thirty-first day of March, in the year of our Lord, one thousand nine hundred. Between George McLagan of the City of Stratford in the County of Perth, Manufacturer, of the first part, and the Corporation of the City of Stratford, hereinafter called the parties of the second part.

Whereas the party of the first part has heretofore been carrying on the business, in the City of Stratford, of furniture manufacturer, and his factory was burned down and it is intended that he, along with such others as may take stock in a company to be incorporated and known under the name of The George McLagan Furniture Co., Limited, Stratford, and said company when incorporated either under The Ontario Companies Act or The Companies Act or both with a view of carrying on the said business in the said City of Stratford, such company to have at least a capital stock of ninety thousand dollars and subscribed capital stock of thirty thousand dollars before these presents become operative and entitle the party of the first part or the said company to the guarantee and privileges hereinafter referred to, thirty thousand dollars shall have been paid up.

And whereas the party of the first part intends that he or the said company so incorporated shall acquire lands in the said City of Stratford whereon to build, and that they shall build thereon the following buildings, that is to say :

1. A main building to be two hundred and forty feet by fifty feet, four stories high and a basement, the basement to be of substantial stone foundation and the four stories above that to be of brick, the first story being two bricks thick and the other three stories a brick and half thick.
2. An engine room of at least thirty-five feet by thirty feet and one story high of substantial brick, well built on substantial stone foundation.
3. A drying kiln eighteen feet by one hundred feet, one story high, built of brick with stone foundation.

And whereas the estimated cost of the said buildings and machinery and plant placed therein consisting of engines, planing machines and other appliances incidental to and needful to be used in a well appointed and complete furniture factory shall be at least thirty-five thousand dollars and for the expenditure thereof the party of the first part or his said company shall produce vouchers and evidence to show to the satisfaction of the engineer of the city and the city solicitor who are to report thereon to the council of the said city and their report be binding and final.

And whereas upon its being reported by the said engineer and said city solicitor that there has been expended by the said party of the first part or the said company the said sum of thirty-five thousand dollars and a mortgage, lien or other form of security approved of by the said city's solicitor forming a first charge upon the lands has been created for the purpose of borrowing upon the security of the whole of the said property both real and personal, the sum of thirty thousand dollars then the said parties of the second part shall and will guarantee the payment of the said sum and interest at such rate as may be agreed upon.

And whereas it has been agreed that the said loan shall be repaid in annual instalments of not less than fifteen hundred dollars in each year with interest in the meantime upon the unpaid principal, and that the property covered by the said mortgage, lien or other form of security shall be insured to at least the sum of twenty-five thousand dollars in a company or companies to be approved of by the parties of the second part, it being understood that upon the reduction by the said payments on account of the said loan below the said sum of twenty-five thousand dollars that the said insurance may be proportionately reduced, but in any case the policy shall be either assigned to the said parties of the second part or to the parties advancing the money or some one in trust for one or other or both.

And whereas doubts may arise as to the parts of said plant or machinery being within the class which might otherwise be known as personal property,

party, and it is the intention and is hereby declared the intention of the party of the first part, and will hereafter be declared by the said company that any such property shall become part of the real estate, and be real estate, and that the said mortgage, lien or other form of security having been charged thereon shall be valid and binding upon all the said property, whether it might otherwise have been classed as personal property or not, and the said mortgage, lien or other form of security be an effectual charge thereupon without annual renewal within the meaning of the Act known as *The Bills of Sale and Chattle Mortgage Act*.

And whereas in the event of default being made in the annual payment of the said instalments and interest it is to be distinctly understood that the allowing of the said default to continue for more than one year without steps being taken and prosecuted to enforce the said mortgage, lien or other form of security by the holders thereof, against the property, will forfeit as to such instalments and interest in arrear the guarantee of the said city.

And whereas the party of the first part or the said company are to be exempt from taxation for their lands and premises, whereon are erected the said buildings, plant and machinery and the said buildings, plant and machinery if there will have been employed continuously for eleven and one-half months in the whole year ninety men, the first year, one hundred and twenty the second year, and one hundred and fifty the remaining eighteen years, residing in the city of Stratford, in the carrying on of the said business and that such exemption from taxation shall (if and so long as from year to year at least said number of men resident in said city of Stratford, are continuously employed for at least said period in each year) continue for the period of twenty years from the first day of January next preceding the giving of the said guarantee, should the said guarantee be given in the first half of the year, and in the event of its being given in the last half of the year then twenty years from the first of January next succeeding the giving thereof.

And whereas the said party of the first part or the said company may for valid business reasons find it inconvenient to continue in any one year for said time the employment of so large a number of men, and find it prudent to depart from that standard in any one year, and it is understood that such departure for such valid business reason shall not be construed as a forfeiture of the said provisions, if during a period of three years including the first year in which such departure or default takes place as the first of the said three, there shall have been employed within and during the said period of three years, either a sufficient number of men by increasing the number beyond the numbers specified as above or by continuing the business with at least the number specified as above in any one or more years of the said three years, so as to result in making a disbursement for wages during the said whole period of three years, taken as a whole a sum equal to what would have been disbursed for wages to ninety men the first year, one hundred and twenty the second year, and one hundred and fifty the third year, or to one hundred and twenty the second year and one hundred and fifty the succeeding years or to one hundred and fifty men employed for said term in each year continuously over the said period, and so on from time to time in successive periods of the like space of three years during said twenty years.

And whereas in the event of the average number of men so employed for any such three years falling below the said standard of one hundred and fifty men continuously for at least eleven and one-half months in each year for the said period of three years (with the said exception of first three years or second, third and fourth together), it is intended that said exemptions from taxations shall thereafter cease in and upon the said assessable value of the said property in the like proportion in which the said falling off in the average of said one hundred and fifty men per year bears to said whole number and the property aforesaid thenceforward shall be liable to taxation in that proportion and shall from time to time after such successive periods of three years in which there has been any further reduction of the said average number of men, be further proportionately liable to taxation, and in case of default in first three years or the group of three years consisting of the second, third and fourth years the

the basis shall be instead of one hundred and fifty men per year an average of the required number herein specified.

And whereas it is not intended by the said concession that there shall be withdrawn from the present assessable real estate of the city a greater quantity of land than to the amount of two thousand dollars worth according to the assessed or assessable value thereof.

And whereas the parties of the second part have agreed, in order to facilitate the said furniture factory in securing water for fire protection, they shall have a main not less than six inches laid to within one hundred feet of said building with a hydrant at the terminus of said main or on the line thereof at a point not more than one hundred feet distant from said building.

Now therefore this agreement witnesseth that the parties hereto hereby covenant and agree to with each other as follows :

1. The said party of the first part agrees to form and become along with such others as may take stock in the said proposed company, an incorporated company under the name of The George McLagan Furniture Company, Limited, Stratford, to be incorporated either under *The Ontario Companies Act* or *The Companies Act* and amendments thereto or both, with a view to carrying on the business of furniture manufacturing in the said city of Stratford, said company to have at least a capital stock of ninety thousand dollars, and a subscribed capital stock of thirty thousand dollars, whereof thirty thousand dollars shall have been paid up capital before the party of the first part or the said company shall be entitled to claim from the said parties of the second part the execution of the guarantee and grant of the privileges hereinbefore recited.

2. And the said party of the first part shall and will procure the said Company when so incorporated to execute an agreement with the said city binding the said corporate company to keep and observe all the provisions herein contained and put forth as intended to be binding upon the party of the first part or the said corporate company.

3. The said party of the first part covenants with the said parties of the second part that the said corporate company shall and will acquire lands in the city of Stratford whereon to build, and that they shall build thereon the following buildings, that is to say:

(1) A main building two hundred and forty feet by fifty feet, four stories high and a basement story of the whole size, the basement to be of substantial stone foundation and the four stories above the basement to be of brick, the first story being two brick thick and the other three stories one and one-half brick thick.

(2) An engine room of at least thirty-five feet by thirty feet, and one story high, of substantial brick wall, built on substantial stone foundation.

(3) A drying kiln eighteen feet by one hundred feet, one story high, built of brick with stone foundation.

4. The said party of the first part or the said company in his lieu and stead will proceed immediately after the erection of the said buildings and placing therein of plant and machinery aforesaid and show to the satisfaction of the said engineer and city solicitor vouchers and evidence to their satisfaction that the said sum of thirty-five thousand dollars or such other sum as may the correct sum, has been expended in the building of the said buildings and placing therein the plant and machinery to make the whole work efficiently.

5. Upon the completion of the said work and report of the said engineer and solicitor showing the amount expended in connection with the building of the said buildings and placing therein of the plant and machinery and acquiring of the said lands and other connections in the way of tracks and erections to make the said property work efficiently the said company shall place before the council of the said parties of the second part the mortgage, lien or other form of security showing how they propose to secure the proposed loan of thirty thousand dollars to be secured and the rate of interest to be payable thereupon which it is understood shall be a reasonable rate of interest to be approved of by the parties of the second part.



6. In the event of there being any difference between the said sum of thirty-five thousand dollars and the actual cost for the purpose aforesaid according to the said report of the engineer and solicitor, the council may, if such report shows a less expenditure than thirty-five thousand dollars, make allowance and arrangement therefor on the basis of the like proportion of the amount to be guaranteed by them, the parties of the second part as exists between the proposed loan of thirty thousand dollars and thirty-five thousand dollars of expenditure.

7. The parties of the second part shall and will thereupon at the request of the party of the first part, or the said corporate company, execute such a good and sufficient guarantee as will bind the parties of the second part to secure to the lender or lenders of the said proposed loan, or any part thereof, payment thereof at the rate of fifteen hundred dollars per year of principal with interest at the rate to be agreed upon between the parties hereto of the second part and the said company upon the unpaid principal, and upon the understanding and agreement that the said mortgage, lien or other form of security, shall be a first charge upon all of the said property, including the land and premises acquired for the purpose of the said property and rights of way and tracks therein and thereto, the buildings erected thereon, plant and machinery placed therein and all other constructions and erections made in or to make the said property work efficiently, the same having been declared by the said company to be and form part of the real estate in question, whether it might otherwise have been so held at common law or not.

8. To effectually carry out the purpose of these presents and they shall be only operative upon that being done it is expected the Legislature will by an Act to be passed, declare all the said property, real estate and not require an annual renewal of chattel mortgage upon that part that might otherwise be looked upon as personal property.

9. The said party of the first part shall and will have the said buildings erected and completed within five months from the date of the final passing by the Council of Stratford of the by-law to carry out this agreement, same first having been approved of by two-thirds of the electors of Stratford, and be ready then to operate the same and shall henceforward after the completion thereof employ and continue to employ for at least eleven and one half months in the year for each and every year for the period of twenty years following, ninety men the first year, one hundred and twenty men the second year and one hundred and fifty men for the remaining eighteen years of the term of twenty years, residing in the said City of Stratford.

10. The party of the first part covenants that in each year during the said twenty years, in the first week in January in each year the President and Secretary of the said Company shall furnish to the parties of the second part by delivering to their clerk or such officer as they may appoint for the purpose of receiving the same, a declaration duly made under *The Canada Evidence Act, 1893*, or some other Act enabling such declaration to be illegally taken, show the name and place of abode in the said City of Stratford of each man employed in carrying on of said business and the time for which such man has served during the preceding year in the carrying on of said business, and upon the request of the Council of the parties of the second part, the said Company shall and will at any time after the furnishing of the said declaration or in default of the same having been furnished, shall and will at any time upon request exhibit to the parties of the second part or such person or officer as they may appoint for the purpose of inspecting the same, all the books of the said Company containing any entry in relation to the payment of wages or the hiring of men for the three years preceding that in which the demand shall be made.

11. The parties of the second part agree that the said company are to be given exemption from taxation for the lands and premises whereon are to be erected the said buildings, plant and machinery and the said buildings, plant and machinery if and so long as they will have employed continuously for a period of at least eleven and one-half months in the year for the first year ninety men, for the second year one hundred and

twenty men, and for the third and succeeding years one hundred and fifty men residing in each case in the said City of Stratford in the carrying on of the said business to be continued for the term of twenty years from the first day of January next preceding the giving of the said guarantee should the said guarantee be given in the first half of the year, and in the event of it being given in the last half of the year then twenty years from the first day of January in the next succeeding year; provided always that if the land acquired as above exceed two thousand dollars of assessable or assessed value then such excess shall not be exempt.

12. In the event of the said company finding it inconvenient for valid business reasons to continue in any one year for eleven and one-half months the employment of so large a number of men as hereinbefore provided, and prudent to depart from that standard in any one year, it is understood and agreed that such departure for such valid business reasons shall not be construed as a breach of the said covenant in paragraph nine hereof nor construed as a forfeiture of the provision herein for exemption from taxation if during a period of three years including the first year of default as first of said three years, there shall have been employed within and during the said period of three years either a sufficient number of men by increasing the number beyond ninety, one hundred and twenty or one hundred and fifty as herein specified or by continuing the business with at least sufficient men long enough in any and all the said three years so as to result in making a disbursement for wages during said whole period of three years taken as a whole, a sum equal to what would have been disbursed for wages for ninety, one hundred and twenty, and one hundred and fifty men, or one hundred and twenty and one hundred and fifty a year or one hundred and fifty for each year as hereinbefore specified for the respective periods their numbers represent of men employed for eleven and one half months in each year continuously over the said period and so on from time to time in successive periods of the like space of three years during the said twenty years of the then remainder thereof, always counting the first defaulting year of the series as the first thereof.

13. In the event of the average number of men so employed for any such three years falling below the said standard of ninety, one hundred and twenty, and one hundred and fifty men for the first three years, or of one hundred and twenty, one hundred and fifty and one hundred and fifty for the second possible term of three years, or one hundred and fifty men for any succeeding period of three years, continuously for at least eleven and one half months in each year for any such period of three years, the said exemption from taxation shall for with cease in and upon the said assessable value of the said property in the like proportion in which the said falling off in the average per year of the the said ninety, one hundred and twenty, and one hundred and fifty for the first three years, or one hundred and twenty and one hundred and fifty and one hundred and fifty for the second possible term of three years, or one hundred and fifty men per year for three years bears to the whole requirements of the standard number; and the property aforesaid thenceforward shall be liable to taxation in that proportion and shall from time to time after each successive period of three years in which there has been any further reduction of the said average number of men be further proportionately liable to taxation.

14. The parties of the second part agree in order to facilitate the said furniture factory in securing water for fire protection, to have a main not less than six inch laid within one hundred feet of the said building with a hydrant at the terminus of the said main or on the line thereof at a point not more than one hundred feet distant from said building.

15. The said guarantee shall provide that the allowing of any default in payment of the annual instalment of interest to continue for more than one year without steps being taken and prosecuted to enforce the said mortgage, lien or other forms of security, by the holders thereof against the property will forfeit the guarantee of the said city; the same remaining good, however, against default as to the future instalments until they shall have been allowed to remain in default for one year without steps being taken, and prosecuted to enforce as aforesaid and so from time to time.

16. It is understood that an application shall be made jointly by the parties hereto for an Act of the Legislature of the Province of Ontario to be passed at the said session ensuing the execution thereof, rendering valid and binding this agreement and the by-law for granting said privileges now being published and enabling the parties hereto and the said Company to so deal with both the said by-law and agreement as to render them consistent in any particular wherein they may now be inconsistent, and to enable the municipality to make and execute such further provisions as may be necessary between the parties of the second part and the said corporate company to effectually carry out these presents in the true spirit and intent thereof.

17. It is further agreed that the said party of the first part covenants with the parties of the second part that he will not directly or indirectly for the purpose of amalgamation with or joining or promoting any syndicate or trust, sell, assign or transfer or agree to sell, assign or transfer or put out of his absolute control in any way without the consent of the council of the said City said business of furniture manufacturing or any part thereof nor will the said company for the purpose of amalgamation with, or joining or promoting any syndicate directly or indirectly sell, assign or transfer or put out of its control in any way without the consent of the council aforesaid, said business or any part thereof, nor will the said party of the first part directly or indirectly for the purpose of amalgamating said business with or joining it to or promoting by its use or disuse that of any syndicate or trust, sell, assign or transfer, or put out of his absolute control in any way without the consent of said council any stock he may have in any such company. Provided always that upon a discharge of the mortgage or other charge herein before referred to as to be guaranteed by the parties of the second part having been got by the party of the first part and the parties of the second part thereby relieved from said guarantee this covenant shall cease and become void.

In witness whereof the party of the first part has hereunto set his hand and seal and the Mayor and Clerk of the said Corporation have hereunto set their hands and affixed the Corporate Seal.

Signed, sealed and delivered in the presence of

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## CHAPTER 99

An Act to amend An Act to confer certain powers  
on the Town of Strathroy.*Assented to 30th April, 1900.*

WHEREAS by an Act passed in the 56th year of Her Majesty's reign, chaptered 82, the Municipal Corporation of the Town of Strathroy was authorized to pass by-laws for granting aid by way of loan or bonus to secure the establishment of industrial enterprises in the said town to an amount not exceeding in the aggregate the sum of \$20,000; and whereas it was amongst other things in and by the said Act enacted that no bonus should be granted in aid of any manufacturing industry where the granting of such bonus would for its payment together with the payment of similar bonuses already granted by the municipality require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation thereof; and whereas the municipal council of the said town on the 4th day of May, 1896, passed a by-law, number 366, of the said town intituled "A by-law to provide for the issue of debentures of the Town of Strathroy to the amount of \$10,000 by way of bonus or loan to a wholesale furniture manufactory;" and whereas the said Municipal Council of the Town of Strathroy on or about the 4th day of December, 1899, passed a by-law intituled "By-law No. 452 of the Municipal Corporation of the Town of Strathroy in the County of Middlesex and the Province of Ontario, for the purpose of granting a bonus to the extent of \$6,500 to The Paine Upholstery Company of Strathroy, Limited;" and whereas prior to the passing of the said Act a bonus had been granted by the Council of the said town in aid of a canning industry; and whereas the said by-laws were in other respects duly passed in accordance with the provisions of the said Act passed in the 56th year of Her Majesty's reign, chaptered 82; and whereas it appears that the loan contracted for the purpose of aiding the said canning industry will be paid off in the month of June, 1902; and whereas it further appears that the amount required to be raised annually for payment of the bonuses granted under the said by-laws Nos. 366 and 452 do not together amount to seven per cent. of the total annual municipal taxation of the said town; and whereas doubts have arisen as to whether it was intended that the said limitation of ten per cent. should apply so as to include bonuses granted prior to the passing of the said Act; and whereas the council of the said town passed the

the said by-law number 336 and the said by-law number 452 in good faith believing that the said limit of ten per cent. of the total annual municipal taxation of the town imposed by the said Act applied only as to bonuses granted after the passing of the said Act; and whereas the amount required to be raised annually as aforesaid under the said by-laws 366 and 452 together with the amount required to be raised annually in respect to the said bonus to the said canning industry exceeds ten per cent. of the total annual municipal taxation of the said town; and whereas in view of the said doubt the Municipal Corporation of the Town of Strathroy has by petition prayed that the said by-law numbered 366 and 452 may be confirmed and declared to be legal and valid and that it may be declared that the municipal council of the said town has power subject to the provisions of the said Act to grant further bonuses within the said limit of \$20,000 and which will not together with the payment of the said bonuses granted under by-laws numbers 366 and 452 require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation of the said town; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws numbers 366 and 452 to aid a wholesale furniture manufacturer and "The Paine Upholstering Company" confirmed.

1. The said by-law number 366 intituled as in the preamble to this Act and set out in schedule A hereto, and the agreement thereto appended, and the said by-law number 452 intituled as in the preamble to this Act and set out in schedule B hereto and the agreement thereto appended, are severally declared to be and to have been respectively legal, valid and binding upon the Municipal Corporation of the Town of Strathroy and the ratepayers thereof, and upon the parties to the said agreement from the dates of the passing thereof.

Power to pass by-laws to aid industrial enterprises.

2. The said Municipal Council of the Town of Strathroy may pass a by-law or by-laws for granting aid by way of loan or bonus to secure the establishment of industrial enterprises within the said town or to take stock in any such industrial enterprises to an amount not exceeding together with the amounts already granted under the said by-laws numbers 366 and 452 in the aggregate \$20,000, and to issue debentures and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities, provided that the granting of any such bonus shall not for its payment, together with the payment of the bonuses granted by the said by-laws numbers 366 and 452 and any bonus granted under this section require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation of the municipality: and provided that save as hereinbefore provided any by-law passed under this section shall in all respects

respects conform and be subject to the provisions of the said Act passed in the 56th year of Her Majesty's reign, chaptered 82.

## SCHEDULE A.

### BY-LAW No. 366.

A By-law to provide for the issue of Debentures of the Town of Strathroy to the amount of \$10,000 by way of Bonus or Loan to a Wholesale Furniture Manufacturer.

Whereas by special Act of the Legislature of the Province of Ontario, 56 Victoria, chapter 82, entitled "An Act to confer certain powers on the Town of Strathroy," it is provided that owing to the loss to the town by the destruction of one of the principal industrial establishments it should be lawful for the said corporation to grant by way of bonus or loan a sum in the aggregate not exceeding twenty thousand dollars to secure the establishment of industrial enterprises within the said town of equal labor giving extent to that destroyed.

And whereas the Municipal Corporation of the Town of Strathroy have determined to grant by way of bonus or loan the sum of ten thousand dollars to William H. Merritt, of the City of Brandon, and Samuel M. Smyth, of the same place, Manufacturers, in behalf of themselves and the "Strathroy Furniture Company," hereinafter to be incorporated for the establishment of a furniture manufactory within the limits of the Town of Strathroy for the purpose of manufacturing all kinds of furniture on the conditions and subject to the terms and restrictions mentioned and contained in the proposed agreement, a copy of which is hereunder written and referred to as schedule "A" and which said schedule is hereby declared to be and is part of this By-law.

And whereas it is necessary to raise the said sum of ten thousand dollars by means of debentures of the said Corporation of Strathroy extending over a period of twenty years, and the said sum of ten thousand dollars and the interest thereon is the debt intended to be created by this By-law.

And whereas it will be necessary for the said corporation in order to raise the said sum of ten thousand dollars and interest thereon to pay off the debenture to be issued to raise the said sum of ten thousand dollars in specified annual instalments by a special rate sufficient therefor during the period of twenty years, the currency of the debt to be raised by a special rate annually on the whole rateable property of the said town in the year A.D. 1897 and in each of the next ensuing nineteen years, and the aggregate amount or sum necessary to be raised annually to discharge the several instalments of principal and interest accruing due in each year and to pay the debentures hereinafter authorized to be issued and the interest thereon at five per cent. per annum is the sum of \$802.43.

And whereas the amount of the whole rateable property in the Town of Strathroy, according to the last revised assessment roll of the said town being for the year one thousand eight hundred and ninety-five, is \$938,086, irrespective of any future increase of the same.

And whereas the existing debenture debt of the said Town of Strathroy is the sum of \$35,250, no part of the principal of the said debenture debt and no part of the interest thereof is in arrear.

Therefore the Council of the Municipal Corporation of the Town of Strathroy, by virtue of the powers vested in them by the *Municipal Act of 1892*, and amending Acts, and by virtue of 56 Victoria, chapter 82, *An Act to confer certain powers on the Town of Strathroy*, enacts as follows:—

1. It shall be lawful for the Town of Strathroy to grant by way of a bonus or loan the sum of ten thousand dollars to the said William H.

Merritt



Merritt and Samuel M. Smyth in behalf of themselves and the Strathroy Furniture Company, hereafter to be incorporated in respect of the manufacturing establishment and subject to the terms, conditions, restrictions, named in the agreement, a copy of which is set forth in schedule "A" hereunder written.

2. When the assent of the electors of the Corporation of the said Town of Strathroy who are entitled to vote thereon has been obtained thereto and this By-law shall have been finally passed, it shall be lawful for the Mayor of this corporation to execute the said agreement on behalf of this corporation, on the execution thereof by the said William H. Merritt and the said Samuel M. Smyth on behalf of themselves and of the Strathroy Furniture Company.

3. It shall be lawful for the said corporation for the purpose aforesaid to raise the sum of ten thousand dollars by the issue of debentures as hereinafter mentioned.

4. It shall be lawful for the purpose aforesaid for the mayor for the time being of this corporation to make and issue twenty debentures of the said corporation to be made for the specified sums, payable annually as hereinafter set forth with coupons attached as hereinafter described for the payment of interest, which shall be sealed with the seal of the corporation, signed by the mayor and countersigned by the treasurer, which shall bear interest at the rate of five per cent. per annum, such interest to be payable on the 5th day of April, A.D. 1897, and in each of the next succeeding nineteen years to and including the year A.D. 1916, and the last of such payments of interest on the 5th day of April, A.D. 1916.

5. That the instalments of principal and interest on the said debentures shall be payable annually on the 5th day of April in each and every year, and the specified sums required respectively for the payment of principal and interest in each year during the currency of the said debentures is set forth in the following statement thereof, namely: And whereas it will require the sum of \$802.43 to be raised annually for a period of twenty years, the currency of the debentures to be issued under the authority of this By-law, to pay off the debt created by this By-law, according to the provisions of the said recited Acts, and the total payment of principal and interest in each year shall be as follows:—

Debenture No.	Year.	Am't to be raised for payment of principal.	Am't to be raised for payment of interest.	Total.
1, 5th April.....	1897.....	\$302 43.....	\$500 00.....	\$802 43
2, ".....	1898.....	317 55.....	484 88.....	802 43
3, ".....	1899.....	333 43.....	469 00.....	802 43
4, ".....	1900.....	350 10.....	452 33.....	802 43
5, ".....	1901.....	367 60.....	434 83.....	802 43
6, ".....	1902.....	385 98.....	416 45.....	802 43
7, ".....	1903.....	405 28.....	397 15.....	802 43
8, ".....	1904.....	425 54.....	376 89.....	802 43
9, ".....	1905.....	446 82.....	355 61.....	802 43
10, ".....	1906.....	469 16.....	333 27.....	802 43
11, ".....	1907.....	492 62.....	309 81.....	802 43
12, ".....	1908.....	517 25.....	285 18.....	802 43
13, ".....	1909.....	543 11.....	259 32.....	802 43
14, ".....	1910.....	570 26.....	232 17.....	802 43
15, ".....	1911.....	598 78.....	203 65.....	802 43
16, ".....	1912.....	628 72.....	173 71.....	802 43
17, ".....	1913.....	660 16.....	142 27.....	802 43
18, ".....	1914.....	693 16.....	109 27.....	802 43
19, ".....	1915.....	727 83.....	74 60.....	802 43
20, ".....	1916.....	764 22.....	38 21.....	802 43

Total.....\$10,000

Debenture

Debenture No. 1, one coupon for annual interest thereon.....	\$15 12
Debenture No. 2, two coupons for annual interest thereon each...	15 88
Debenture No. 3, three coupons for annual interest thereon each...	16 67
Debenture No. 4, four coupons for annual interest thereon each...	17 51
Debenture No. 5, five coupons for annual interest thereon each...	18 38
Debenture No. 6, six coupons for annual interest thereon each...	19 30
Debenture No. 7, seven coupons for annual interest thereon each..	20 26
Debenture No. 8, eight coupons for annual interest thereon each..	21 28
Debenture No. 9, nine coupons for annual interest thereon each..	22 34
Debenture No. 10, ten coupons for annual interest thereon each..	23 46
Debenture No. 11, eleven coupons for annual interest thereon each	24 63
Debenture No. 12, twelve coupons for annual interest thereon each	25 86
Debenture No. 13, thirteen coupons for annual interest thereon each .....	27 16
Debenture No. 14, fourteen coupons for annual interest thereon each .....	28 52
Debenture No. 15, fifteen coupons for annual interest thereon each	29 94
Debenture No. 16, sixteen coupons for annual interest thereon each	31 42
Debenture No. 17, seventeen coupons for annual interest thereon each .....	33 01
Debenture No. 18, eighteen coupons for annual interest thereon each .....	34 66
Debenture No. 19, nineteen coupons for annual interest thereon each .....	36 39
Debenture No. 20, twenty coupons for annual interest thereon each	38 21
Total amount of interest payable first year .....	\$500 00

6. Such Debentures shall have coupons attached thereto for the payment of such interest and the said Debenture and the said coupons shall be payable at the office of the Treasurer for the said Corporation and the principal of the said Debentures shall be payable on the 5th day of April in the year A.D. 1897, and each of the next succeeding nineteen years for the amount and in the manner hereinafter mentioned and described. And the said Debentures may contain a proviso in the following words ("This Debenture or any interest therein shall not after a certificate of ownership has been endorsed thereon by the Treasurer of the Municipal Corporation be transferable except by entry by the Treasurer in the 'Debenture Registry Book of the Corporation of the Town of Strathroy' or to the same effect.")

7. During the currency of the said debentures to be issued under the authority of this by-law there shall be levied and collected annually upon all the assessed value of all the rateable property in the Town of Strathroy over and above all other rates and taxes a special rate on the dollar which shall be sufficient to produce in each year as aforesaid during the currency of the said debt and debentures the sum of eight hundred and two dollars and forty-three cents.

8. The Mayor shall cause the said debentures to be sold and the sum of ten thousand dollars of the proceeds thereof applied for the purposes above specified.

9. This by-law shall take effect from and after the passing thereof.

10. And it is further enacted by the said Municipal Council of the Town of Strathroy that the votes of the electors of the said Town of Strathroy will be taken on this by-law by the deputy returning officers hereinafter named on Friday, the 10th day of April, A.D. 1896, commencing at nine o'clock in the morning and continuing till five o'clock in the afternoon at the undermentioned places :

#### FIRST WARD.

No. 1 Division at Maitland Street School—E. A. Whyte, deputy returning officer.

No. 2 Division at or near R. P. Smith's coach house—A. Goodwin, deputy returning officer.

No. 3.

## SECOND WARD.

No. 3 Division at Fireman's Hall—J. E. Lauler, deputy returning officer.

No. 4 Division at Collegiate Institute—John Robinson, deputy returning officer.

## THIRD WARD.

No. 5 Division at Colborne Street School—R. Dumbrill, deputy returning officer.

No. 6 Division at Caradoc Street School—James H. Lee, deputy returning officer.

That on Tuesday, the 7th day of April, 1896, between the hours of 10 and 12 o'clock a.m., at the Clerks' office in the Town of Strathroy persons will be appointed to attend as the final summing up of votes by the Clerk and to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of persons interested in and desirous of opposing the passing of this by-law.

That the Clerk of the said Municipal Corporation shall attend at his office at the Town Hall at the hour of eleven o'clock in the forenoon on the 11th day of April, 1896, to sum up the number of votes given for and against this by-law.

I certify that I have examined this bill and that it is correct.

By-law read a first time, March 16th, A.D. 1896.

By-law read a second time and provisionally passed in open Council, March 16th, A.D. 1896.

By-law now read a third time and passed, this 4th day of May, A.D. 1896.

F. J. CRAIG, Clerk.

R. P. SMITH, Mayor.

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### SCHEDULE A.

This indenture, made in duplicate, the 9th day of March, A.D. 1896, between William H. Merritt, of the City of Brandon, in the Province of Manitoba, manufacturer, and Samuel M. Smyth, of the same place, manufacturer; of the first part, and the Municipal Corporation of the Town of Strathroy, in the County of Middlesex and Province of Ontario, hereinafter called the Corporation of the second part.

Whereas the said Corporation of the Town of Strathroy are desirous of promoting the establishment of a wholesale manufacturing company within the limits of the Town of Strathroy, in pursuance of the powers vested in the said Corporation by the statutes of the Province of Ontario in that behalf.

And whereas the parties hereto of the first part have agreed, and do each of them both hereby on behalf of themselves, their heirs, executors, administrators and assigns, and on behalf of the Strathroy Furniture Company, agree to and with the Municipal Corporation of the Town of Strathroy to erect, maintain and operate within the limits of the Town of Strathroy, a wholesale furniture manufactory for the term of ten years, to be computed from the 1st day of August, A.D. 1896, to the first day of August, A.D. 1906, to be fully completed and ended in the manner following in consideration of a bonus or loan of the sum of ten thousand dollars to be paid by the said corporation to the said parties of the first part, on the terms and conditions hereinafter specified. This indenture by way of agreement, therefore, witnesseth, that the parties hereto covenant and agree with each other as follows:—

1. The said parties of the first part shall within two months after the passage of a by-law confirming this agreement purchase within the limits of the said Town of Strathroy a suitable site for the establishment thereon of a wholesale furniture factory, and on or before the 1st day of August, A.D. 1896, to erect upon the said land as a fixture and have in operation a building, plant and machinery suitable for the manufacture of furniture; such building, plant and machinery to cost not less than

\$15,000,



\$15,000, and the site, building, plant and machinery, respectively, to form a due proportion of the sum of \$15,000, and in case of dispute as to value the said value is to be determined by a referee to be appointed by the Judge of the County Court of the County of Middlesex. The said building to be of brick, or frame, covered with metal, and to be of at least 15,000 square feet of floor capacity, and the machinery of sufficient capacity to employ at least 100 men. The roof of the building is to be made to pass in class No. 1 of insurance, or fire proof, the machinery is to be new or practically new and to be the best that can be obtained for the purpose, and the said firm or company shall be called "The Strathroy Furniture Company."

2. The office or place of business of the said firm or company shall be in the Town of Strathroy, and the manager shall reside in Strathroy, and shall do, or have done, all the office business of the said company within the limits of the corporation, and such business shall be carried on in each year of the said term to the extent of an output of at least \$50,000 of manufactured furniture annually and the payment of at least \$15,000 annually in wages, the employment of an average of at least 40 hands daily during the first year and of 50 hands during every succeeding year of the said term; the wages to the manager not to exceed \$1,500 per annum and the wages to average not less than \$1.00 per day to the persons employed in the said manufactory.

3. The amount of output, wages paid and hands employed is to be determined by the corporation auditors or a referee to be appointed by the said corporation and the company's accountant, or if they cannot agree to the appointment of a third arbitrator the matter is to be referred to the Mastery in Chancery, London, or a third referee is to be appointed by the Judge of the County Court of Middlesex aforesaid.

4. In consideration of the successful purchase of site, erection of suitable buildings, and the purchase and operation of plant and machinery and the employment of labor as herein agreed, the Municipal Corporation of Strathroy agrees to pay or loan to the said parties of the first part the sum of ten thousand dollars to be paid to them within thirty days after the works are in active and successful operation as herein agreed and the due execution of a first mortgage as security for the due performance of all covenants and conditions herein and the repayment of all the unearned balance of the bonus to be given by the parties of the first part by way of mortgage for \$10,000 on the said site, buildings, plant and machinery as soon as the same are purchased, erected and in full operation as aforesaid.

5. And it is hereby agreed by the said parties of the first part that they shall have and keep and maintain a capital of at least \$25,000 over and above liabilities during all the said term invested in the said business including the said bonus or loan of \$10,000, but should it appear upon investigation upon the erection of the building and purchase of machinery and plant that the value during the first year is not up to the sum of \$15,000, the Council of Strathroy shall have power to withhold a proportionate part of the bonus till the value reaches the full complement of \$15,000.

6. The corporation agree to exempt from taxation the said manufactory during the said term, except as to the sum of one hundred dollars of taxes per annum.

7. The said parties of the first part, their heirs and assigns shall execute and deliver to the corporation, in a form to be approved of by the solicitor for the corporation, a mortgage in fee upon the said lands, building, plant, and machinery, such building plant, and machinery to be as between the parties hereto to be real estate, and fixtures, and to be incorporated in and covered by said mortgage, the said mortgage to be without interest, except as hereinafter provided, and to contain the usual covenants contained in the ordinary short form of mortgages, the covenants and conditions contained in this agreement and a covenant to insure for \$10,000, and the loss, if any, payable to the corporation, as their interest may appear, and a proviso that in default, if any, of the covenants of this agreement the corporation may as therein provided enter on and lease or sell the said lands or foreclose as they deem best.

8. The said mortgage, upon the fulfillment of the covenants and conditions herein contained on behalf of the parties of the first part, are to be considered paid to the extent of \$1,000 for every year in which the said covenants and conditions are fulfilled, and in case of a partial performance the credit on the said mortgage is only to be given for the proportion of performance of the said covenants to be determined as provided in clause three of this agreement.

9. Any excess of output, employment of labor, or excess of other covenants herein, shall not be allowed in payment or part payment of the said mortgage, but in case of deficiency in one year and an excess in any succeeding years, the excess may be applied to make up the deficit, but no further, but this clause shall not extend to the covenant as to capital or the eleven months in the year during which the manufactory is to be kept running, nor to the average of wages to each person employed, and the covenants as to output and average number of employees daily are, nevertheless, all to be fully completed within the said term of ten years, and in no year is the minimum output to be less than \$50,000, nor the average number of employees less than 30 per diem.

10. In case of the covenants as to output or average number of employees in any year falling below the maximum amount stated, as output of \$50,000, average number of employees 40 for the first year and 50 for each succeeding year, then the said parties of the first part shall pay to the corporation in cash at the close of the year that proportion of the \$1,000 which is unearned by the want of fulfillment of the covenants herein contained, but the said parties shall be entitled to repayment of such sum if subsequently earned according to the terms of clause nine of this agreement, and the said parties shall be entitled to operate the said manufacturing company for three years beyond the term to pay off the unpaid portion of the mortgage, if any. It is agreed that the time, if any, during which the said works is shut down necessarily owing to strike of workmen, fire or accident not attributable to the neglect or delay of the parties of the first part shall not be deemed a breach of any of the covenants herein.

11. Upon a continued breach of any of the covenants herein on the part of the parties of the first part, or upon failure to keep up the maximum of output and amount of wages to be paid annually the said corporation may upon one month's notice enter in and take possession of the said premises and machinery and plant and proceed to foreclose, sell or rent the same as they may deem best from time to time.

12. The said parties of the first part may cause the said company to be incorporated at any time but this shall in no way release the parties of the first part from this agreement but the said company if so incorporated and the said parties of the first part shall both continue to be bound by the terms of this agreement and the said company will when so incorporated execute any document that may be required by the corporation of the town of Strathroy to effectually bind the said company so to be incorporated to the terms of this agreement equally with the said parties of the first part who will also execute any further such document if required by the said parties of the second part.

13. The said Samuel M. Smyth or his successor as manager agrees to become a resident of Strathroy during said term of ten years and no part of the sum of \$15,000 annually paid for wages shall be paid to any employee who is not a resident of Strathroy and no travellers' wages shall be estimated in the said sum of \$15,000 to be paid annually for wages.

14. In case of any trouble or disagreement in connection with this agreement other than those provided for, the matters in dispute shall be decided by James Shanly, master at London, or his successor in office.

15. It is agreed that during the said terms of ten years the parties of the first part or either of them shall not sell or dispose of his interest in the said bonus or in this agreement or the said lands and premises and machinery without the consent in writing of the parties of the second part to such sale or transfer.

16. It is understood that this agreement is not to be effective or binding till the same shall be ratified and sanctioned according to law by the municipal corporation of the town of Strathroy.

17. And in case the proper approval of electors is not obtained this agreement shall not be binding upon the parties of the second part, nor shall they be bound to do more than bring the matter before the people for their approval, and upon such approval being obtained the parties of the first part shall do all that is required to carry into effect this agreement.

18. The said parties of the first part may at any time during the said term replace any machinery with new and improved machinery so long as the subsequently acquired machinery, becomes as it hereby agreed, bound by the said mortgage and a security for the due performance of the covenants therein.

19. The said parties of the first part further agree to rebuild at any time during the ten years should the buildings herein referred to be destroyed or injured by fire within that term, and that after the expiration of the term of ten years the insurance of \$10,000 shall be continued, and should the building be injured or destroyed by fire within a further term of ten years the insurance moneys shall be paid to the Corporation of Strathroy absolutely, unless the parties of the first part elect to continue the operation of the manufactory and do rebuild and operate the same permanently and in that case the parties of the first part shall be entitled to the insurance again as fast as the rebuilding progresses.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered in the presence of	}	(Signed) WILLIAM H. MERRITT.	[Seal.]
(Signed) J. FOLINSBEE.		(Signed) SAMUEL M. SMYTH.	[Seal.]

### SCHEDULE B.

#### By-Law No. 452.

Of the Municipal Corporation of the Town of Strathroy, in the County of Middlesex, and Province of Ontario.

Whereas the said corporation have determined to grant by way of bonus or loan the sum of \$6,500 to Charles Sherman Paine, of the City of Grand Rapids, in the State of Michigan, Manufacturer, on behalf of himself and "The Paine Upholstering Company of Strathroy, Limited," hereinafter to be incorporated for the establishment of a manufactory within the limits of the Town of Strathroy, for the purpose of manufacturing upholstered furniture and other specialties of a like nature or otherwise on the conditions and subject to the terms and restrictions mentioned and contained in the proposed agreement, a copy of which, duly executed by the said Charles Sherman Paine, is hereunto annexed and referred to as schedule "A," and which said schedule is hereby incorporated with and declared to be and is part of this By-law.

And whereas it will be necessary for the said corporation, in order to raise the said sum of \$6,500 and interest thereon to pay of the debentures to be issued to raise the said sum of \$6,500, in specific annual instalments by a special rate sufficient therefor during the period of twenty years to raised by a special rate annually on the whole rateable property of the said town in the year A. D. 1900, and in each of the next ensuing nineteen years, and the aggregate amount or sum necessary to be raised annually for principal and interest in each year to pay the debentures hereinafter authorized to be issued and the interest thereon at five per cent. per annum is the sum of \$521.59.

And whereas the amount of the whole rateable property of the said Town of Strathroy, according to the last revised or revised and equalized assessment roll is the sum of \$938,206, irrespective of any future increase of the same, and the amount of the existing debenture debt of the said Town of Strathroy is the sum of \$35,186.24, no part of the principal of the said debenture debt and no part of the interest thereon is in arrears.

Be it therefore enacted by the Municipal Council of the corporation of the said Town of Strathroy, by virtue of the powers vested in them by 56 Victoria, Chapter 82, and by the *Municipal Act*, as follows:—



1. It shall be lawful for the said Town of Strathroy to grant by way of bonus or loan the sum of \$6,500 to the said Charles Sherman Paine, on behalf of himself and "The Paine Upholstering Company of Strathroy, Limited," hereinafter to be incorporated in respect of the manufacturing establishment and subject to the terms, conditions and restrictions named in the agreement which is hereunto annexed as schedule "A."

2. When the assent of the electors of the said corporation of the said Town of Strathroy who are entitled to vote thereon has been obtained thereto and this By-law shall have been finally passed, it shall be lawful for the Mayor of this corporation to execute the said agreement on behalf of this corporation on procuring the execution thereof, if required, by the said Charles Sherman Paine on behalf of himself and of "The Paine Upholstering Company of Strathroy, Limited." •

3. It shall be lawful for the said corporation for the purpose aforesaid to raise the said sum of six thousand five hundred dollars by the issue of debentures as hereinafter mentioned.

4. It shall be lawful for the purposes aforesaid for the Mayor for the time being of this corporation to make and issue twenty debentures of the said corporation to be made for the specific sums payable annually as hereinafter set forth, with coupons attached as hereinafter described for the payment of interest, which shall be sealed with the seal of the said corporation, signed by the Mayor and countersigned by the Treasurer, which shall bear interest at the rate of five per cent. per annum, such interest to be payable on the 1st day of December, A.D. 1900, and on the 1st day of December in each of the next succeeding nineteen years to and including the year A.D. 1919, and the last of such payments of interest on the 1st day of December, 1919.

Such debentures shall have coupons attached thereto and duly signed by the Mayor and Treasurer for the payment of such interest as hereinafter mentioned, and the said debentures and the said coupons shall be payable at the office of the Treasurer for the said corporation, and the principal of the said debentures shall be payable on the first day of December, in the year A.D. 1900, and each of the next succeeding nineteen years, for the amounts and in the manner hereinafter mentioned and described in the table hereunder written, as follows:—

Due 1st Dec. in the years mentioned hereunder	Debentures.	Principal amount of each debenture.	No. of coupons to each debenture.	Annual interest payable on each debenture.	Total amount interest at 5 per cent.	Total annual payment including interest at 5 per cent.
1900	1st	\$196 58	1	\$ 9 83	\$325 01	\$521 59
1901	2nd	206 41	2	10 32	315 18	521 59
1902	3rd	216 73	3	10 84	304 86	521 59
1903	4th	227 57	4	11 38	294 02	521 59
1904	5th	238 95	5	11 95	282 64	521 59
1905	6th	\$250 90	6	\$12 55	\$270 69	\$521 59
1906	7th	263 45	7	13 17	258 14	521 59
1907	8th	276 62	8	13 83	244 97	521 59
1908	9th	290 45	9	14 52	231 14	521 59
1909	10th	304 97	10	15 25	216 62	521 59
1910	11th	320 22	11	16 01	201 37	521 59
1911	12th	336 23	12	16 81	185 36	521 59
1912	13th	353 04	13	17 65	168 55	521 59
1913	14th	370 69	14	18 53	150 90	521 59
1914	15th	389 22	15	19 46	132 37	521 59
1915	16th	408 68	16	20 43	112 91	521 59
1916	17th	429 11	17	21 46	92 48	521 59
1917	18th	450 57	18	22 53	71 02	521 59
1918	19th	473 10	19	23 66	48 49	521 59
1919	20th	496 53	20	24 83	24 83	521 36
Totals,		\$6,500 00		\$325 01	\$3,931 55	\$10,431 57

5. It shall be the duty of the said Mayor to cause the said debentures to be sold to such person or persons, corporation or corporations, company or companies, as shall be willing to become purchasers thereof, and the proceeds shall be applied in paying the said Charles Sherman Paine, on behalf of himself and of "The Paine Upholstering Company of Strathroy, Limited," so to be incorporated, the said sum of six thousand five hundred dollars, in the manner as stated in the said agreement.

6. For the purpose of paying the principal money and interest of the said debentures in instalments as aforesaid, aggregating \$521.59 in each year, there shall be levied and collected annually upon all the assessed value, of all the rateable property and income in the Town of Strathroy, over and above all other rates and taxes, a special rate sufficient therefor in each year as aforesaid.

7. This by-law shall take effect on, from and after the 1st day of December, A.D. 1899.

Provisionally passed in open council this 24th day of October, 1899. Final passing thereof on the 4th day of December, 1899.

8. Polls shall be held, and the votes of such of the ratepayers as shall be entitled to vote on this by-law shall be taken on this by-law at the following places:—

First Ward.—No. 1 Division at or near Maitland Street School, E. A. Whyte, deputy-returning officer. No. 2 Division at or near R. P. Smith's coach house, A. Goodwin, deputy-returning officer.

Second Ward.—No. 3 Division at Firemen's Hall, A. L. Leitch, deputy-returning officer. No. 4 Division at or near Collegiate Institute, John R. Clarke, deputy-returning officer.

Third Ward.—No. 5 Division at or near Colborne Street School, R. Dumbrill, deputy-returning officer. No. 6 Division at Caradoc Street School, Jas. H. Lee, deputy-returning officer.

Commencing at the hour of nine o'clock in the forenoon of the 28th day of November, A.D. 1899, and closing at the hour of five o'clock of the same day, and that the day fixed for the final passing of this by-law and for taking the same into consideration shall be and is the 4th day of December, A.D. 1899, at the hour of 8 o'clock p.m.

The appointment of persons to attend at the various places and at the final summing up of the votes on behalf of the persons interested in the promoting or opposing the passing of this by-law shall be at the office of the town clerk on the 27th day of November, A.D., 1899, between the hours of 10 o'clock a.m. and 12 o'clock, noon, and the time and place where the said clerk shall sum up the number of votes given for and against this by-law shall be at his office on the 29th day of November, A.D. 1899, commencing at 10 o'clock a.m., and continuing till such duty is completed.

By-law read a first time, 24th day of October, A.D. 1899.

By-law read a second time, 24th day of October, A.D. 1899.

By-law read a third time, 4th day of December, A.D. 1899, and finally passed.

R. J. AVERY,  
Mayor.

F. J. CRAIG,  
Clerk.

#### THIS IS SCHEDULE A REFERRED TO IN THE FOREGOING BY-LAW.

This indenture by way of agreement, made in duplicate the 17th day of October, A.D. 1899, between

Charles Sherman Paine, of the City of Grand Rapids, in the State of Michigan, one of the United States of America, manufacturer, of the first part, and

The Municipal Corporation of the Town of Strathroy, in the county of Middlesex and Province of Ontario, hereinafter called the Corporation, of the second part.

Whereas the said corporation is desirous of promoting and securing the establishment within the said town of industrial enterprises in pursuance of the powers vested in them under 56 Victoria, Chapter 82, "An Act to confer

confer certain powers on the Town of Strathroy," and in pursuance of the powers vested in them by the Municipal Act.

And whereas the party hereto of the first part has agreed on behalf of himself, his heirs, executors, administrators and assigns, and on behalf of the "Paine Upholstering Company of Strathroy, Limited," hereafter to be incorporated, to erect, maintain and operate within the limits of the town of Strathroy a wholesale manufacturing establishment for the purpose of manufacturing upholstered furniture or other specialties of a like nature or otherwise for a term of ten years, to be computed from the first day of August, A.D. 1900, until the first day of August, 1910, to be fully completed and ended, except as further provided herein.

In consideration of a bonus or loan of the sum of \$6,500 by the said corporation to the said party of the first part on the terms and conditions hereinafter specified.

Now, this indenture, by way of agreement witnesseth that the parties hereto covenant and agree with each other, and on behalf of themselves, their heirs, executors, administrators and assigns, and successors and assigns, respectively, as follows :—

1. The said company shall, on or before the 31st day of March, A.D. 1900, purchase within the limits of the Town of Strathroy a site suitable for the establishment thereon of the buildings and works hereinafter mentioned, for an estate in fee simple, free from all encumbrance and charges and as soon thereafter as can be done, and not later than the 31st day of July, A.D. 1900, to erect upon the said lands as fixtures and have in active operation the building, plant and machinery suitable for the manufacturing of upholstered furniture and other specialties of a like nature, or otherwise such plant and machinery, building and site, to be worth not less than \$6,500, and such site, building and machinery respectively shall form a due proportion of the said value of \$6,500, and in case of dispute as to the said value thereof to be decided by a referee or valuator to be appointed by the Judge of the County Court of the County of Middlesex. The building shall be built in a substantial way for manufacturing purposes of brick 175x40 feet, two stories high, or if the dimensions are changed the floor surface of the said building or the capacity thereof to be fully equivalent to a building 175x40 and two stories high, and shall contain not less than 14,000 feet of floor surface, and shall be two stories high. The roof of said building shall consist of slate, metal or such other construction as will enable the same to be classed among first-class risks with the insurance companies, and the machinery and plant shall be new or practically new, and suitable for the work of a first-class upholstering company, and of sufficient capacity to employ constantly and during all the said term at least thirty-five employees.

2. The said party of the first part also agrees with the said corporation that the head office of the company shall be located in the Town of Strathroy, and all the office work of the said company shall be carried on therein, and that he shall do or have done all the work and labor in connection with the said business within the limits of the Town of Strathroy. Such business shall be carried on to the extent of the employment of from thirty to thirty-five hands and upwards per day during the said term, to whom wages shall be paid to the extent of at least \$10,000 per annum, including a thousand dollars for a manager's salary, and the average daily wages, not including the manager's salary, shall be as high as that paid by other manufactures of similar goods in Canada for similar services.

3. The number of hands employed and the amount of money paid for wages shall be determined by the corporation auditors and the company's accountant, and in case of dispute by reference to the County Judge of Middlesex.

4. In consideration of such successful purchase of site, erection of building, and purchase and operation of plant and machinery, the Municipal Corporation of the Town of Strathroy agrees with the party of the first part, and the said company to be incorporated, to loan or grant the bonus to them of the sum of \$6,500, to be paid to them within thirty days after the works are in active operation, security to be given by the party of the first part by way of first mortgage on said site, building, plant and machinery (and an insurance thereon for \$6,500, or an amount equal



to the corporation's interest, payable to the corporation) as soon as the same are purchased, erected, and in full operation, which is to be not later than the thirty-first day of July, A.D. 1900.

5. It is distinctly understood and agreed by and between the parties hereto that the party of the first part shall keep and maintain throughout the said term of ten years a capital of at least \$6,500 invested in the said business exclusive of the said sum of \$6,500 now advanced by the said corporation, and such capital shall be an available capital over and above all liabilities to be used in the successful operation and prosecution of the said industry, and the amount of capital invested at any time shall be determined as provided in the third paragraph hereof in regard to wages and hands.

6. The corporation shall, in pursuance of the powers vested in them by *The Municipal Act*, provide for the exemption during the aforesaid term of ten years of the properties of the said parties of the first part or the said company covered by such mortgage from all taxation except school taxes and the sum of \$20 per annum for general taxes, and in case the school taxes exceed the sum of \$45 the said yearly amount shall be reduced accordingly.

7. In order to secure the due performance of this agreement the said party of the first part and the said company so to be incorporated agree to execute and deliver or cause to be delivered to the said corporation, in form to be approved by the solicitor of the municipality, and in case of dispute by the Master of the High Court at Toronto or London a first mortgage in fee on the lands, buildings, plant and machinery, and substituted plant and machinery, so to be put in operation, such machinery, building and plant to be deemed between the parties hereto, their heirs, executors, administrators and assigns, and successors and assigns, respectively, as fixtures and to be incorporated in and covered by the said mortgage, such mortgage to be for the sum or consideration of \$6,500 without interest, except in default, and to contain the usual statutory covenants and a clause that in case of default in performance of any of the covenants herein contained for three months the said corporation may enter on and lease or sell the said lands and premises, and the said mortgage shall contain a covenant to repay the said sum of \$6,500, or the unearned portion thereof to the said corporation with interest in case of default as hereinafter provided.

8. The said mortgage shall be considered paid and discharged in each and every year of the said term to the amount of \$650 provided the said party of the first part has kept constantly employed during such year an average of at least thirty employees per diem and shall have paid to the said employees the sum of at least \$10,000 in wages (including \$1,000 for the manager's salary), which shall average as high as it is herein before provided in paragraph two of the agreement, and such employment of hands and payment of wages shall be considered equivalent to and for a payment to the extent of \$650 annually, but should the amount of wages paid and the number of hands employed by the said party of the first part exceed the amount hereinbefore stated, such excess shall not affect such mortgage or become equivalent to payment, but in case of deficiency in any one year of the said term the excess of such payment or employment, of any subsequent year may be applied in payment of the deficit of prior years to the extent of such deficit and no more, and except as aforesaid such excess shall not in any way be estimated.

9. In case of default of active operation of the said business of manufacturing upholstered furniture, etc., for three months or more in any year of the said term, or in case of bankruptcy of the said party of the first part, leading to the non-fulfillment of this agreement, or any cause of default in the minimum amount of wages paid, and hands employed, as especially mentioned, in any year of the said term the corporation, subject to the provisions hereinafter contained may re-enter and take possession of the said premises so mortgaged on two months' notice and sell or lease the said premises under the powers contained in said mortgage and recover the balance of principal unpaid, and upon such default the unpaid principal of the said mortgage shall thereupon become due and payable from the time of such default.

10. It is further agreed that the time, of any, during which such works shall be wholly or partially shut down or prevented from working their full capacity owing to the strike of workmen, fire or accident not attributed to the neglect or default of the said company, shall not be deemed a breach of any of the covenants of the preceding paragraphs

11. And it is hereby agreed by and between the parties that in case of a partial fulfillment of this agreement as to the continuous operation of the aforesaid works, the number of hands employed and the wages paid, the said party of the first part shall have the privilege of paying in cash to the said corporation an amount equal to the value *pro rata* of the labor and wages in default, with interest for that year at the rate of five per cent. per annum. And the said corporation hereby agrees to allow the said party of the first part of the said company a further term of three years after the ten years in which to complete and fulfil all the terms of the said agreement regarding any deficit with reference to the annual payment of wages or employment of a minimum number of hands.

12. It is further agreed that if the aforesaid building, machinery or any part thereof be destroyed by fire during the said term the said company will rebuild the same, the corporation agreeing to advance out of the insurance money received the money necessary for such rebuilding on progressive estimates periodically as the work advances.

13. It is hereby understood and agreed that this said sum of \$6,500 is advanced upon the express understanding that the party of the first part shall remain bound by this agreement individually and the said company so to be incorporated.

14. It is understood that this agreement is not to be binding till the same shall be regularly and legally approved by the municipal corporation of the town of Strathroy and the electors thereof.

15. And in case the approval of the electors is not obtained, this agreement shall not be binding upon the parties hereto, nor shall the corporation be bound to do more than put the question before the people for their approval, and upon such approval being obtained the party of the first part agrees to fulfill all the terms of this agreement on behalf of the said company so to be incorporated.

16. It is expressly understood and agreed that the covenants herein contained regarding the amount of wages paid and number of hands employed shall not be strictly binding on the party of the first part during the first two years of this term, provided the said manufacturing is making good progress, but this clause shall in no way effect clause eleven of this agreement or the provisions hereof in regard to value of building, plan and machinery or capital invested.

17. And it is further agreed by and between the parties hereto that the said Paine Upholstering Company of Strathroy, Limited, shall after the expiration of the said term of ten years continue the insurance on the said premises in the same way in favor of the corporation for a further term of five years, subject to the same conditions for repayment to the party of the first part for the purpose of re-building as hereinbefore it is provided.

In witness whereof the parties hereto have hereunto set their hands and seals.

CHARLES SHERMAN PAINE.

[Seal].

F. J. CRAIG,  
CLERK.

R. J. AVERY,  
Mayor.

Witness

JOHN FOLINSBEE,  
On behalf of the Town of Strathroy.

DUNCAN C. ROSS,  
As to the signature of Charles Sherman Paine and his behalf.

## CHAPTER 100

An Act to consolidate the Floating Debt of the  
Town of Sudbury.*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the Town of Preamble.  
Sudbury has by petition represented that the said  
corporation incurred a floating debt of about \$13,500 in addi-  
tion to the ordinary expenses of the corporation, the said float-  
ing debt having arisen mainly from unprovided for balances  
of capital expenditure in connection with the water, light  
and sewerage systems of the town, and no funds have been  
provided for the payment thereof; and whereas the said cor-  
poration has represented that the payments to be made on  
account of the debenture debts of the said municipality and  
the said floating debt would be unduly oppressive to the rate-  
payers, and has further represented that in order to lessen the  
annual burden on the said ratepayers it is desirable to extend  
the payment of the said floating debt over a long term of  
years; and whereas the said corporation has by the said petition  
prayed, among other things, to be authorized to issue debentures  
to an amount not exceeding in the whole, \$13,500, and with  
the money loaned thereon to pay off the present floating in-  
debtedness; and whereas it is expedient to grant the prayer  
of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows;—

1. The Municipal Corporation of the Town of Sudbury may Debentures  
for \$13,500  
authorized.  
pass a by-law or by-laws providing for the issue of debentures,  
and in pursuance of the provisions of such by-law or by-laws  
may issue debentures under their corporate seal, signed by the  
mayor and countersigned by the treasurer for the time being,  
in such sums not less than \$100 each, and not exceeding  
\$13,500 in the whole, as the said corporation may direct, and  
the principal sum secured by the said debentures and the  
interest accruing thereon may be made payable at such place  
or places as the said corporation may deem expedient, and  
may be expressed in either sterling money of Great Britain or  
currency of Canada.

2. The said corporation may raise by way of loan on the Borrowing on  
credit of the said debentures from any person or persons or debentures.  
body



body corporate in this Province or in Great Britain or elsewhere, a sum or sums sufficient to pay off the said floating indebtedness not exceeding in the whole the sum of \$13,500, or may sell or dispose of the said debentures from time to time as may be deemed expedient, but all moneys realized from such loan, sale or disposition shall be applied by the said corporation in payment of the said floating debt and the expenses in connection with the consolidation thereof and the issue and floating of the said debentures, and in no other manner and for no other purpose whatsoever.

Payment of  
debentures  
and interest.

3. The said debentures shall be payable in not more than twenty years from the date thereof as the said corporation may direct, and such debentures may bear interest at any rate not exceeding five per cent. per annum. Such interest shall be secured by coupons attached to the said debentures and shall be payable yearly during the currency of the same, and at the same time and place as the portion of the principal provided for in the next succeeding section hereof is payable.

Debt to be  
repayable in  
annual  
instalments.

4. A portion of the said debentures to be issued under this Act shall be made payable in each year during the currency thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the said debenture debt is to be discharged.

Special rate.

5. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Assent of  
electors not  
required.

6. It shall not be necessary to obtain the assent of the electors of the said Town of Sudbury for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Municipal Act*; and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

Rev. Stat.  
c. 223.

Form of  
debentures  
and by-laws.

7. The debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of Schedule "B" to this Act or as near thereto as the said corporation may find convenient, but no irregularity in the form of the said debentures

tures or any of them authorized by this Act to be issued, or any by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

8. No by-law to be passed under the provisions of this Act shall be repealed until the debt created by such by-law and the interest thereon shall be paid and satisfied.

By-law not to be repealed until debt paid.

9. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Sudbury from any indebtedness or liability which may not be included in the said debts of the said Town.

Indebtedness of town not discharged.

## SCHEDULE A.

(Section 7.)

### DEBENTURE.

Province of Ontario, Town of Sudbury.

No. —

\$

Under and by virtue of an Act respecting the floating debt of the town of Sudbury passed by the Legislative Assembly of the Province of Ontario in the sixty-third year of the reign of Her Majesty, Queen Victoria, and chaptered , and by virtue of by-law No. of the corporation of the town of Sudbury, passed under the provisions contained in the said Act, the corporation of the town of Sudbury promise to pay to the bearer at , in the town of Sudbury, the sum of on the day of A.D. , and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the town of Sudbury, in the District of Nipissing, this day of A.D. .

Mayor.

Treasurer.

## SCHEDULE B.

(Section 7.)

BY-LAW No. —, TO AUTHORIZE THE ISSUE OF DEBENTURES UNDER THE  
AUTHORITY OF AN ACT TO CONSOLIDATE THE FLOATING DEBT OF THE  
TOWN OF SUDBURY.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$13,500 in the whole, as the corporation of the town of Sudbury may in pursuance of and in conformity with the provisions of the said Act direct; and whereas, for the purposes of the said Act, it is necessary and expedient to issue debentures to the extent of \$ , payable as follows :

with interest thereon at the rate of per centum per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said town of Sudbury, according to the last revised assessment roll of the said town being for the year one thousand hundred , was \$ ;

Therefore, the municipal corporation of the town of Sudbury enacts as follows :

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$ , are hereby authorized and directed to be issued payable as hereinbefore set forth.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per centum per annum, payable yearly on the day of in each year.

This by-law passed in open council this day of  
in the year of our Lord, one thousand



## CHAPTER 101

## An Act respecting the City of Toronto.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the City of Toronto Preamble.  
has, by its Petition, prayed for special legislation in respect  
to the several matters herein set forth; and whereas it is exped-  
ient to grant the prayer of the said Petition :

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. A certain agreement made between the said corporation and Lever Brothers, Limited, which is printed as Schedule "A" hereto, is hereby validated and confirmed, and the parties thereto are hereby empowered to do all acts necessary to give effect to the same; provided, however, that nothing contained in the said agreement or in this Act shall in any way affect or diminish the right of the corporation to collect the moneys payable in respect of the Don Improvement authorized by any Act of this Legislature heretofore passed, except so far as any part of the land otherwise assessable for the Don Improvement is removed from said assessment by the said agreement, and to the extent of the assessment which would have been made upon such lands, the City of Toronto as a whole shall be liable for such assessment as would, but for the said agreement, have been charged against the land removed by the said agreement from such assessment, and provided that the confirmation of the said agreement by this Act shall not be taken as in any sense an expression of opinion by this Legislature upon or regarding the merits on either side of the suggested application to the Privy Council and other proper authority for an order that the Grand Trunk Railway Company's present fixed bridge over the River Don shall be replaced by a swing or other moveable bridge, nor shall it prejudice any rights of said Grand Trunk Railway Company of Canada; and further provided that the amount to be expended by the corporation on the several works to be constructed under the clauses of the said Schedule A shall not exceed in the whole the sum of \$60,000, and the annual expenditure contemplated in said Schedule A for the purpose of keeping the channel of the Don dredged, shall not exceed the sum of \$1,500, and the city shall not be liable in damages to any person or persons for neglect to maintain or keep open the said channel, and the  
said

Agreement  
with Lever  
Bros., Ltd  
confirmed.

said sum of \$60,000 may be raised by the issue of forty-year debentures therefor, and the necessary by-laws may from time to time be passed therefor without submitting the same to a vote of the electors; and provided further that the closure and conveyance of the highway referred to in clause 1 of Schedule A is to be subject always to the use by existing and future railways when and as desired by the corporation of the railway portion of the said way for their lines (but not for yard or shunting purposes) without compensation to the company therefor.

2. During the period of ten years from the first day of January, 1900, the assessment for the purposes of taxation and local special rates for local improvements upon the property of all persons and companies now engaged in the manufacture and sale of soap in the City of Toronto (such properties being used for the said purposes, only), shall be made *pro rata* with the assessments upon the property of the said Lever Bros., Limited, and shall be so adjusted and fixed from time to time by the Assessment Commissioner and Assessors as to give to all such persons and companies equal advantages and privileges in so far as the same may be affected by such assessments for the purpose of carrying on the manufacture and sale of soap with the said Lever Bros., Limited, and their assignees; and the council of the municipality shall pass all necessary by-laws for this purpose.

Agreement  
with Toronto  
Hotel Co.  
confirmed.

3. An agreement between the said corporation and the Toronto Hotel Company, which is printed as Schedule "B" hereto, with any modification thereof which the said parties thereto may agree upon, shall, when duly executed by the several parties respectively, be valid and binding on the parties thereto; and the said parties thereto are hereby empowered to do all acts necessary to give effect to the same, and the said corporation shall, pursuant to the report of the city engineer and assessment commissioner respecting the same, have power to open Victoria Street therein referred to as a local improvement, and shall also have power to assess for the cost of the said street opening, including the sum of \$80,000 therein mentioned, as may be determined by the Court of Revision, or in case of appeal therefrom, by the County Judge.

By-laws  
validated.

4. The by-laws of the Corporation of the City of Toronto specified in Schedule "C" hereto, and all debentures issued, or to be issued thereunder, and all assessments made, or to be made, for the payment thereof, are hereby validated and confirmed.

Smallpox  
hospital site.

5. Notwithstanding the Provisions of the Public Health Act, the lands described as all and singular that certain parcel or tract of land and premises in the City of Toronto, being composed of part of lot Number 15 in the first concession from

from the Bay, Township of York, now within the limits of the City of Toronto, and which may be more particularly described as follows, that is to say—commencing on the production westerly of the northerly limit of that part of said lot 15, lying east of Winchester Street, heretofore granted by one Harry Scadding et al. to the City of Toronto by deed dated the 30th day of December, A.D. 1856, at a point where the same is intersected by a line drawn parallel with the westerly limit of Winchester Street aforesaid, and distant 100 feet measured westerly there from and at right angles thereto; thence southerly parallel with the westerly limit of Winchester Street 50 feet; thence westerly parallel with the north limit above mentioned 250 feet; thence northerly at right angles thereto 200 feet; thence easterly parallel with said north limit 280 feet more or less to the above mentioned line drawn parallel with Winchester Street; thence southerly along that line to the place of beginning,— may be used by the city of Toronto as a site for a smallpox hospital, and for that purpose the said land is hereby removed from the dedication of by By-Law No. 2761 of the said corporation passed on the 8th day of December, 1890, of the lands thereby included in a public park.

6. The Municipal Council of the City of Toronto may pass a by-law or by-laws for granting aid to persons who have suffered from the late disastrous fire in the Cities of Ottawa and Hull and vicinity, and may for that purpose issue debentures and raise money thereon, and it shall not be necessary to obtain the assent of the ratepayers of the said City to any such by-law.

Aid to sufferers by Ottawa and Hull fire.

## SCHEDULE A.

Agreement made this 29th day of June, one thousand eight hundred and ninety nine, between the Corporation of the City of Toronto, hereinafter called the "Corporation," of the first part; and Lever Brothers, Limited, hereinafter called the "Company," of the second part.

Whereas the company was incorporated under the English "Companies Act," and carries on business as a manufacturer of soap, glycerine, dynamite and other articles, its chief place of business being at Port Sunlight, England;

And whereas the company having determined to establish a branch of its business in Canada, the corporation has requested that such branch should be located in the city of Toronto;

And whereas the company has represented to the corporation that it has secured from the trustees of the estate of the late John Smith, an option for the purchase of certain land owned by said estate, comprising about twenty-three acres, and being that parcel of land bounded on the west by the highway known as the Don Improvement road; on the south by Eastern avenue; on the east by Broadview avenue, and on the north by a line drawn nearly parallel with Queen street at a distance of about one hundred and forty feet southerly from said street, and extending from said Don Improvement road to Broadview avenue; also a triangular



triangular parcel of land lying to the south of the above described land, and bounded on the north by Eastern avenue ; on the west by said Don Improvement road, and on the south by the property of the Grand Trunk Railway Company, and that said company is prepared to purchase said land and to establish thereon a branch of its said business upon the corporation entering into the agreement hereinafter contained ;

And whereas negotiations in respect of the agreements and arrangements embodied in this agreement were being carried on prior to the date of the passing of "The Municipal Amendment Act, 1899," and were pending on said date ;

Now this agreement witnesseth that if the company becomes the purchaser of the lands above described, or some substantial part thereof, the corporation covenants and agrees with the company as follows :

1. So soon as the consent of the owners, mortgagees and lessees of the "Byres" property hereinafter mentioned to such closure has been obtained, to close as a public highway that part of the public esplanade or highway on the east side of the river Don, having a width of 125 feet extending from the south limit of Eastern avenue to the property of the Grand Trunk Railway Company, and to convey the land so closed in fee to the company, but such closure and conveyance is to be subject always to the existing rights, if any, of any railways intitled under any existing legislation or agreements with the corporation to use any part of said highway.

2. To replace the present piling, on the east bank of the river Don in front of that portion of said land lying between Eastern avenue and the property of the Grand Trunk Railway Company with substantial crib-work of timber and stone, such crib-work to be raised to the height of the centre of the roadway of Eastern avenue where said roadway is intersected by the present travelled road along the east side of the Don river ; and the land lying between said crib-work and the present western limit of the said land of the Smith estate to be filled in and raised to the same level.

3. To construct, grade, level and macadamize, to the width of thirty feet, that part of said public esplanade or highway on the east side of the Don river, reserved for a roadway, as shown on Unwin, Browne & Sankey's plan of the Don improvement, and herein referred to as the Don Improvement road, from Queen street to Eastern avenue, so as to make the same a good substantial road, and to construct a substantial wooden sidewalk six feet wide, along the east side of said road, between the same points.

4. To properly level, grade and macadamize, at the expense of the corporation, and not as a local improvement, to the width of thirty feet the highway known as Eastern avenue, from the said Don Improvement road to the point of intersection of Eastern avenue by the Grand Trunk Railway, so as make the same a good substantial road, and to construct a substantial wooden sidewalk, six feet wide, along the south side of Eastern avenue between the same points, but this clause and clause three shall not apply to renewals or reconstructions.

5. To extend the city water pipes and water (if not already there) along Eastern avenue to the eastern boundary of the said land on Eastern avenue, and to place on said Eastern avenue the necessary hydrants for fire and other purposes.

6. To provide on Eastern avenue (if not already there) the necessary sewer but not private drains for the proper drainage of the company's said premises.

7. So soon as permission to construct the private road hereinafter mentioned has been secured from the owners of the lands upon which it is to be situate (such permission to be obtained without expense to the corporation), to lay out, construct, grade, level and macadamize at the expense of the corporation, a good substantial road, twenty feet wide, commencing at Eastern avenue where the same intersects the property of the Grand Trunk Railway, and thence extending southerly across the property of said railway company, and along or near the easterly boundary of the property leased by the late John Smith to Gooderham & Worts, Limited, known as the "Byres," a distance of eight hundred feet, more or less, to an

an existing private road ; said new road to be a private road for the said "Byres" property only.

8. The corporation shall not be bound to do any of the works herein provided for in paragraphs 1 to 7 inclusive during the present year, nor until the company shall have spent at least the sum of fifty thousand dollars in the erection of its buildings and works mentioned in paragraph 15 hereof, but thereafter the corporation shall forthwith proceed to do the said works provided for in said paragraphs 1 to 7 inclusive, and so continue the said works simultaneously with the erection by the company of its buildings and works as provided in paragraph No. 15 hereof to completion, so that the works by the corporation and by the company shall be completed as near as may be at the same time.

9. To deepen to such depth as the company may from time to time find necessary for the purposes of its business during the season of navigation, not, however, exceeding a depth of fourteen feet, the Don river from Eastern avenue to its entrance into the bay, and thence to the channel in the harbor leading to its eastern entrance from the lake, and to maintain the same at such depth : Provided that in no case shall the corporation be obliged to do any deepening prior to the year 1901, nor in any case to provide a greater depth in said river and bay than that of the said channel : Provided, also, that the corporation shall not be obliged to do such deepening unless and until the company find the same to be necessary for the purposes aforesaid, and then only as and when requested in that behalf : Provided, nothing contained in this agreement shall operate to prevent the city council, the Dominion Parliament or Government, or the harbor commissioners, or any or either of them, from changing the present channel of the Don river south of the Grand Trunk Railway bridge, and its entrance into the bay or lake, in any way they may think advisable, and closing the present channel or part thereof south of the said bridge, but in case of such change being made, the corporation shall provide and maintain a like depth of water in the new channel and entrance, and shall provide and maintain access, with like depth of water, for the company by means of such new channel to and from its said property from and to the said channel in the harbor leading to the eastern entrance of the lake or from and to the lake itself ; and such new channel and changed access shall be accepted by the company in lieu of that herein provided for.

10. All of the foregoing shall be done without expense to the company and no assessment shall be made against the company's property in respect thereof, or any part thereof, by way of local improvement or otherwise except as in this clause is hereafter provided, and no assessment shall hereafter be made against the said lands acquired by the company in respect of any former expenditure by the corporation on the works known as the "Don Improvement : " Provided, however, that nothing in this clause contained shall diminish the liability of the company to pay any general taxes payable by the ratepayers of the city as a whole, or any special taxes in respect of property hereafter acquired by the company not referred to in this agreement.

11. To join with the company in any application that may be made to the Railway Committee of the Privy Council, or other proper authority in that behalf, to compel the Grand Trunk Railway Company to replace the present fixed bridge over the Don river by a swing or other movable bridge.

12. No dock or harbour charges under the control of the corporation shall be imposed or levied in respect of the wharf or docks in front of the company's property, or on goods landed at, or shipped from, such wharf.

13. If the property of the company should at any time during the period of ten years from the first day of January, 1900, be assessed for the purposes of taxation at a sum greater than sixty thousand dollars, then, during said period of ten years, the property of the company shall, to the extent of such excess, be exempt from taxation, except as to school taxes, provided always that any building hereafter erected on the said property and used as residences by the company's employees or others, or rented to tenants, shall be subject to assessment in the usual way in addition to the said \$60,000.

14. Any by-laws necessary to give effect to this agreement, and to carry out the same, shall be passed without delay ; and the company and the corporation will join in applying to the proper authorities for legislation to validate and confirm this agreement.

15. In consideration of the foregoing, the company agrees with the corporation that upon securing a proper title free from encumbrances to the said lands, or some substantial portion thereof, it will forthwith proceed with the erection of all buildings and works for the manufacture on said lands of soap, glycerine, dynamite and other by products thereof, such buildings and works to cost not less than \$100,000.

16. This agreement may be assigned by the company to any new company which may be formed for the purpose of carrying on upon the said lands the business of manufacturing soap, glycerine, dynamite, etc., and of the name of such new company the words "Lever Brothers" shall form a part, and upon such assignment being made, and notice thereof given to the corporation, such new company shall, by virtue of such assignment, be and be deemed to be substituted for the company, the party hereto, and shall be and become entitled to all the rights, and interests of the company, and be bound by all the agreements of the company herein contained ; and whenever the company is mentioned or referred to in this agreement, such mention or reference shall extend to and include such new company and its successors and assigns. Provided, however, that the partial exemption from taxation provided for in clause 13 hereof shall be limited to the company, the party hereto of the second part, and to the company to be formed as herein provided for.

17. This agreement is subject to the provisions of by-law No. 3741, passed by the council of this corporation upon the twenty-sixth day of June, 1899, and of by-law No. 3743, passed by the said council upon the tenth day of July, 1899, as though the same were repeated herein.

In witness whereof this agreement has been duly executed by the parties hereto.

## SCHEDULE B.

This agreement made in duplicate this nineteenth day of July, one thousand eight hundred and ninety-nine, between The Toronto Hotel Company, hereinafter called the company of the first part, and The Corporation of the City of Toronto, hereinafter called the corporation of the second part.

Whereas the said company propose to become the owners of the lands hereinafter referred to, together with other property adjacent thereto ;

And whereas it is desirable that the said lands be acquired by the corporation and opened to the public as a street as authorized by the adoption of Report No. 15 of the committee on works by the council of the said corporation on the tenth day of July, 1899, and the said parties have agreed each with the other for the sale and purchase by the corporation of the said lands upon the terms and conditions hereinafter set out ;

Now this agreement witnesseth that the said parties hereto covenant and agree each with the other as follows, that is to say :

1. The said company agrees, upon acquiring the said properties, to sell to the said corporation in fee simple and free of all encumbrances the following lands : All and singular that parcel of land and premises situate in the city of Toronto in the county of York, and being a strip of land having a frontage on the south side of King street east of forty four feet lying immediately to the eastward of the premises known as street number 31 King street east ; and extending southerly from King street to Colborne street



street with a uniform width of forty-four feet to be held by the corporation as a public street, and to so be used only at and for the price or sum of eighty thousand dollars payable in twenty annual instalments of four thousand dollars each, with interest at the rate of three and three-eighths per cent. per annum, payable half-yearly on the first days of October and April in each year, the first of such instalments to be paid on the certificate of the architect that five hundred thousand dollars has been expended in the actual construction of the hotel hereinafter referred to. The said corporation to have the privilege of making, at any time, a cash payment in settlement of said purchase money. The payments above specified to be secured by debentures of the city of Toronto or city of Toronto local improvement debentures to be handed over by the city to the company upon the legislation hereinafter provided for being obtained, and when five hundred thousand dollars has been spent in the construction of the said hotel ; the said company also agreeing to remove the buildings now on the said property.

2. The said corporation agrees to purchase the said lands on the said terms, and to dedicate the said lands to highway purposes, and thereafter to so hold the same ; Provided always that the acquisition of the said lands and the dedication of the said street as a local improvement as contemplated by the said report of the committee on works be not defeated by sufficiently signed petitions within the provisions of "The Municipal Act," and other statutory provisions relating to such undertakings, and providing further that legislation be obtained, ratifying the said street opening, which legislation the said corporation undertakes to apply for and support, and the company also agree to support.

3. And the said company covenant and agree to build upon the property immediately adjoining the said proposed street, and lying to the east thereof, a modern hotel, containing from three hundred and fifty to four hundred rooms, and costing complete approximately the sum of one million five hundred thousand dollars, of which land purchases shall not exceed the sum of four hundred and fifty thousand dollars.

4. The said corporation agree that they will pass a By-law providing for the yearly assessment of the said company upon the said hotel at a total sum of three hundred and sixty thousand dollars as authorized by the Act 62, Victoria (2), Chapter 85, Section 7.

In witness whereof the parties hereto have duly executed these presents.

SIGNED, SEALED AND DELIVERED }  
IN THE PRESENCE OF }

## SCHEDULE C.

List of By-laws providing for the issue of Debentures, passed by the Council of the Corporation of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of debt created.	Amount to be borne by city.	Amount to be borne by ratepayers.	Periods of payment.	Rate of interest.
			\$	\$	\$	Years.	Per cent.
3,613	Consolidated loan debentures to redeem and replace certain debentures therein mentioned .....	Jan. 23, 1899	152,506 01	152,506 01	.....	30	3½
3,619	Consolidated loan debentures for the construction and erection of a new iron bridge on Queen street, across the Don river, and of removing the bridge at Queen street to Eastern avenue, over the same river, in the city of Toronto .....	" 23, 1899	62,500 00	62,500 00	.....	30	3½
3,620	Consolidated loan debentures for cribbing Block "D," referred to in the Esplanade agreement .....	" 23, 1899	40,000 00	40,000 00	.....	30	3½
3,621	Consolidated loan debentures for improving the St. Lawrence Market .....	Feb. 6, 1899	150,000 00	150,000 00	.....	30	3½
3,625	Asphalt roadway on Euclid avenue, between College street and Ulster street .....	Mar. 27, 1899	9,402 00	1,877 76	7,524 24	10	3½
3,626	Asphalt roadway on Howard street, between Sherbourne street and Parliament street .....	" 27, 1899	10,880 78	3,656 61	7,224 17	10	3½
3,627	Asphalt roadway on Jameson avenue, between Queen street and King street .....	" 27, 1899	8,219 00	2,054 75	6,164 25	10	3½
3,628	Asphalt roadway on Jameson avenue, between King street and the Grand Trunk Railway tracks .....	" 27, 1899	8,666 65	1,881 99	6,784 66	10	3½
3,629	Asphalt pavement on Wilcox street, between St. George street and Robert street .....	" 27, 1899	9,742 90	1,987 14	7,755 76	10	3½
3,630	Asphalt roadway on Yonge street, between Bloor street and Davenport road .....	" 27, 1899	11,475 73	2,688 44	8,787 29	10	3½
3,631	Gravel roadway on Beaconsfield avenue, between Queen street and Afion avenue .....	Mar. 27, 1899	1,916 64	433 53	1,483 11	3	3½
3,632	Gravel roadway on Brock avenue, between Queen street and Dundas street .....	" 27, 1899	5,652 56	1,878 01	3,774 55	3	3½

3,633	Gravel roadway on Dovercourt road, between Queen street and Dundas street .....	" 27, 1899	3,199 16	638 91	2,560 25	3	3½
3,634	Gravel roadway on Dufferin street, between Peel avenue and Dundas street .....	" 27, 1899	4,209 09	1,608 90	2,606 19	3	3½
3,635	Gravel roadway on Dunn avenue, between Queen street and the lake .....	" 27, 1899	4,318 76	1,566 10	3,252 66	3	3½
3,636	Gravel roadway on Elm Grove, between King street and Queen street .....	" 27, 1899	1,366 77	478 72	888 05	3	3½
3,637	Gravel roadway on Foxley street, between Dundas street and Dovercourt road .....	" 27, 1899	1,573 33	462 17	1,111 16	3	3½
3,638	Gravel roadway on Lansdowne avenue, between Queen street and Union street .....	" 27, 1899	4,131 57	1,008 53	3,123 04	3	3½
3,639	Gravel roadway on Lisgar street, between Queen street and Afton avenue .....	" 27, 1899	2,707 77	469 68	1,738 09	3	3½
3,640	Gravel roadway on Macdonell avenue, between Queen street and point 2,826 feet north thereof .....	" 27, 1899	4,863 84	978 08	3,885 76	3	3½
3,641	Gravel roadway on O'Hara avenue, between Queen street and a point 1,455 feet northerly .....	" 27, 1899	2,593 52	555 76	2,037 76	3	3½
3,642	Gravel roadway on Peel avenue, between Gladstone avenue and Dufferin street .....	" 27, 1899	615 62	220 79	394 83	3	3½
3,643	Consolidating the ratepayers' share of the cost of certain cedar block pavements laid down during the year 1898 .....	Mar. 27, 1899	26,502 13	8,478 68	18,023 45	5 or 4	3½
3,644	Ratepayers' share of the cost of certain wooden sidewalks laid down in 1898 .....	" 27, 1899	24,227 08	4,751 70	19,475 36	3	3½
3,645	Ratepayers' share of the cost of certain cedar block pavements laid down in year 1898 .....	Apr. 17, 1899	14,229 63	4,477 70	9,751 93	8 or 5	3½
3,646	Ratepayers' share of the cost of certain wooden sidewalks laid down in the year 1898 .....	" 17, 1899	1,940 66	289 00	1,651 66	3	3½
3,647	Brick roadway on Bellevue place, between Augusta avenue and Bellevue avenue .....	" 17, 1899	2,606 82	1,698 02	908 80	10	3½
3,648	Brick roadway on Clinton street, between College street and a point 2,305 feet north thereof .....	" 17, 1899	13,449 13	1,926 90	11,522 23	10	3½
3,649	Brick roadway on Close avenue, between Kings street and Springhurst avenue .....	" 17, 1899	7,833 87	2,875 24	4,958 63	10	3½
3,650	Brick roadway on Dundas street, between Queen street and Arthur street .....	" 17, 1899	12,327 38	3,930 85	8,396 53	10	3½
3,651	Brick roadway on Leonard avenue, between Bellevue place and Nassau street .....	" 17, 1899	3,123 26	360 76	2,762 50	10	3½





3,669	and Springhurst avenue	" 17, 1899	11,113 53	571 67	10,541 86	10	3½
	Cedar Block Roadway on Gwynne avenue, between King street and Queen street	" 17, 1899	1,911 13	395 25	1,515 88	5	3½
3,670	Granolithic sidewalk on the south side of Queen street, between a point 44 feet west of Victoria street and a point 110 feet further west	" 17, 1899	247 85	.....	247 85	10	3½
3,671	Brick sidewalk on the north side of Wilton Crescent, between Sherbourne street and a point 184 feet westerly	" 17, 1899	144 94	47 01	97 93	10	3½
3,672	Brick sidewalk on the south side of Front street, between a point 116 feet 7 inches west of Yonge street and Bay sts.	" 17, 1899	895 61	47 01	848 60	10	3½
3,673	Concrete sidewalk on the east side of Simcoe street from the south side of Wellington street to a point 50 feet 6 inches south, and on the south side of Wellington street from the east side of Simcoe street to a point 130 feet 6 inches east	Apr. 17, 1899	524 56	190 75	333 81	10	3½
3,674	Concrete sidewalk on the south side of Bloor street, between Sherbourne street and Yonge street	" 17, 1899	2,008 30	124 54	1,883 76	10	3½
3,675	Concrete sidewalk on the north side of Queen street, between Terulay street and Chestnut street	" 17, 1899	1,454 68	161 98	1,292 70	10	3½
3,676	Concrete sidewalk on the north side of Wilcox street, between St. George street and Huron street	" 17, 1899	471 53	99 91	371 62	10	3½
3,677	Concrete sidewalk on the north side of Queen street, between Simcoe street and St. Patrick's market	" 17, 1899	1,716 02	335 74	1,380 28	10	3½
3,678	Concrete sidewalk on the west side of St. George street, between Bloor street and Harbord street	" 17, 1899	1,437 20	101 72	1,335 48	10	3½
3,679	Concrete sidewalk on the south side of Lombard street, between Church street and Victoria street	" 17, 1899	1,123 53	525 79	597 74	10	3½
3,680	Concrete sidewalk on the east side of Huron street, between Wilcox street and Classic place	" 17, 1899	373 02	114 72	258 30	10	3½
3,681	Concrete sidewalk on the north side of Front street, opposite Nos. 36 to 50 inclusive	" 17, 1899	437 59	.....	437 59	10	3½
3,682	Concrete sidewalk on the south side of Front street, between Lorne street and a point 101 feet easterly	" 17, 1899	219 46	36 24	183 22	10	3½
3,683	Concrete sidewalk on the east side of Elizabeth street, between College street and the first lane north	" 17, 1899	101 52	50 76	50 76	5	3½
3,684	Concrete sidewalk on the south side of Carlton street, between Church street and Jarvis street	" 17, 1899	699 42	150 69	546 73	10	3½
3,685	Asphalt roadway on Queen street, between John street and Bathurst street	" 17, 1899	40,105 70	16,178 40	23,927 30	10	3½





3,703	Portland street and Bathurst street.....	" 17, 1899	456 84	.....	456 84	10	3½
	Brick sidewalk on the north side of St. Patrick street, between Huron street and Beverley street.....	" 17, 1899	446 53	73 23	373 30	10	3½
3,704	Brick sidewalk on the east side of Teraulay street, between Edward street and Walton street.....	" 17, 1899	394 81	148 27	246 54	10	3½
3,711	Consolidated loan debentures for the purpose of complet- ing the new Court House and City Hall buildings.....	May 1, 1899	220,000 00	220,000 00	.....	30	3½
3,712	Consolidated loan debentures for erecting an additional hospital for or wing to the present Isolation hospital ..	" 1, 1899	20,000 00	20,000 00	.....	10	3½
3,713	Consolidated loan debentures for the construction of certain mains for waterworks purposes.....	May 1, 1899	32,992 00	32,992 00	.....	30	3½
3,714	Consolidated loan debentures for the erection of a Smallpox Hospital in the City of Toronto.....	" 1, 1899	4,000 00	4,000 00	.....	10	3½
3,715	Consolidated loan debentures for certain lands acquired and works performed in connection with the Rosedale Valley R'd, and which were not chargeable as a local improvement	" 1, 1899	30,067 40	30,067 40	.....	30	3½
3,717	To amend By-law No. 3,519, as amended by By-law No. 3,560, respecting the Rosedale Valley Road.....	" 1, 1899	55,057 82	39,335 82	15,722 00	.....	.....
3,718	Asphalt roadway on Carlton Street, between Yonge Street and Jarvis Street.....	" 15, 1899	16,239 91	4,240 31	11,999 60	10	3½
3,719	Asphalt roadway on Colborne Street, between Yonge Street and Church Street.....	" 15, 1899	9,543 13	2,574 02	6,969 11	10	3½
3,720	Macadam roadway on Harbord Street, between St. George Street and Huron Street.....	" 15, 1899	1,938 71	321 83	1,616 88	5	3½
3,722	Concrete sidewalk on the east side of Bay Street, between Adelaide Street and the Fire Hall.....	" 15, 1899	263 22	131 61	131 61	10	3½
3,723	Concrete sidewalk on the east side of York Street, between Front Street and 285 feet northerly.....	" 15, 1899	569 74	177 24	392 50	10	3½
3,724	Wooden sidewalk on the west side of Saulters Street, from a point 48 feet south of Queen Street to the south end of Saulters Street.....	" 15, 1899	158 03	7 53	150 50	3	3½
3,726	Macadam roadway on Wallesey Crescent, between Jarvis Street and Sherbourne Street.....	June 12, 1899	2,028 81	480 61	1,548 20	3	3½
3,727	Gravel roadway on Beaconsfield Avenue, between Afton Avenue and Dundas Street.....	" 12, 1899	1,761 64	663 04	1,098 60	3	3½
3,728	Granolithic Pavement on the lane running east off Leader Lane, first north of Wellington Street, from the east side of Leader Lane to a point 225 feet 6 inches east- erly, thence northerly to Colborne Street.....	" 12, 1899	1,187 34	89 98	1,097 36	10	3½

## SCHEDULE C.—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of debt created.		Amount to be borne by city.		Amount to be borne by ratepayers.		Period of payment	Rate of interest.
			\$	c.	\$	c.	\$	c.		
3,729	Concrete sidewalk, on the south side of College Street, opposite the Toronto Athletic Club.....	" 12, 1899	345	60			345	60	10	3½
3,731	Issue of debentures for \$400,000 on the credit of taxes in arrears.....	June 12, 1899	400,000	00	400,000	00			8	3½
3,732	To authorize the transfer of \$7,000 from the proceeds of cer- tain debentures issued under By-law No. 3,591 to meet certain payments due, or to fall due, for pavements upon the track allowance on King street, from Sherbourne street to River street.....	" 12, 1899	7,000	00	7,000	00				
3,734	Brick roadway on Ross street, between Cecil street and College street.....	" 26, 1899	3,526	07	925	32	2,600	75	10	3½
3,735	Debentures consolidating the city's proportion of the amounts named in certain local improvement by-laws.....	June 26, 1899	154,988	73	154,988	73			various	3½
3,736	Consolidating the broken amounts named in certain local improvement by-laws.....	" 26, 1899	316,090	21			316,090	21	various	3½
3,737	Concrete sidewalk on the east side of Queen's park crescent, between College street and Grosvenor street.....	" 26, 1899	1,016	86	548	86	468	00	10	3½
3,748	To authorize the transfer of the sum of \$4,000 from the pro- ceeds of certain debentures issued under by-laws Nos. 3,188 and 3,196 and transferred by by-law No. 3,441 to pay for a pavement upon the track allowance on Dundas street, from Bloor street to the city limits, to meet cer- tain payments due or to fall due for pavements upon the track allowance on Yonge street, from Davenport road to the Canadian Pacific Railway Company's tracks.....	July 10, 1899	4,000	00	4,000	00				
3,750	Street railway debentures for the purpose of providing funds for constructing, repairing and renewing pavements upon portions of the streets occupied by the right of way of the Toronto Railway Company.....	" 10, 1899	28,700	00	28,700	00			10	3½
3,754	Consolidated loan debentures to rebuild the bridge across the Humber river, on the Lake Shore road.....	" 20, 1899	13,000	00	13,000	00			20	3½

## CHAPTER 102

An Act respecting certain matters pertaining to the  
City of Toronto*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the City of Preamble.  
Toronto, has, by its petition, prayed for special legisla-  
tion in respect of the several matters herein set forth; and  
whereas it is expedient to grant the prayer of the said peti-  
tion:—

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The Act passed by this Legislature in the fifty-fifth year  
of the reign of Her Majesty, and chaptered 99, incorporating  
the Toronto Railway Company, is amended by adding thereto  
the following section:—

28. In case of neglect or failure either on the part of  
the Toronto Railway Company or on the part of the Cor-  
poration of the "City of Toronto, to perform any of the cove-  
nants, agreements, obligations or provisions contained in the  
said Act, and in the said agreement and conditions incorpor-  
ated therewith, and in case either the Corporation of the  
City of Toronto or the Toronto Railway Company shall bring  
an action to compel the performance of or to restrain the vio-  
lation of any of the said covenants, obligations, agreements  
or provisions, the Court before whom the action shall be  
tried shall enquire into any such alleged breach, and the  
nature and extent thereof, and shall make such order as may  
be necessary in the interests of justice to enforce a substantial  
compliance with the said Act, agreement and conditions, and  
may enforce the same by the order and injunction of the  
Court.

Enforcing  
agreements,  
etc., between  
Toronto Rail-  
way Company  
and the City  
of Toronto.

2. The Corporation of the City of Toronto is hereby author-  
ized to pay the account of the Royal Grenadiers' band, for  
\$87.50, for their services at a school children's concert held in  
connection with Her Majesty's Diamond Jubilee in the year  
1897.

Royal Gren-  
adiers' band ac-  
count author-  
ized.

3. The said corporation is also authorized to pay the account  
of the J. E. Ellis Company, Limited, for \$69.75, for a field  
glass

J. E. Ellis &  
Co., Limited,  
account for  
glass



field glass  
authorized.

glass presented to *The Mail and Empire* war correspondent when he accompanied the first contingent to South Africa in the year 1899.

Debentures for  
St. Lawrence  
market build-  
ing now  
exceeding  
\$50,000.

4. The council of the said corporation may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as may from time to time be necessary to authorize an issue of "City of Toronto Consolidated Loan Debentures," to such amount not exceeding \$50,000, as may be necessary for the purpose of completing the St. Lawrence Market Building, and the works authorized by by-law 3621 of the Corporation of the City of Toronto, and for such purpose may issue any number of debentures, payable in this Province or elsewhere, in sums of not less than \$100 each, which may be payable at any time within forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half-yearly, and for the purposes of redeeming the said debentures and paying the interest thereon the council of the said corporation may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a special rate per annum upon all rateable, real and personal property in the said municipality, over and above and in addition to all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

Specific per-  
formance of  
contract with  
Toronto Rail-  
way Co.

5. Either the Municipal Corporation of the City of Toronto or the said The Toronto Railway Company in case of neglect or failure on the part of the Toronto Railway Company or on the part of the Corporation of the City of Toronto as the case may be, to observe and perform any of the covenants, agreements, obligations and provisions contained in the said Act and in the said agreement and conditions incorporated therewith may bring an action to compel the performance of or to restrain the violation of any of the said covenants, obligations, agreements or provisions and the court before whom the action shall be tried shall notwithstanding any rule of law or practice to the contrary enquire into such alleged breach and determine the nature and extent thereof and in case it is found that the act or omission complained of constitutes a breach of the said covenant, obligations, agreements or provisions the court shall make an order specifying what things shall be done or forborne by the defendants as a substantial compliance with the said Act, agreements and conditions and every such order shall be enforceable in the same manner and to the same extent as an injunction or mandamus granted by the Court.

## CHAPTER 103.

## An Act respecting the Town of Toronto Junction.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the Town of Toronto Junction has by petition represented that by-laws numbers 475 and 476 of the municipal council of the said town were duly passed on the 11th day of November, 1899, that the said by-laws authorize certain agreements between the corporation and the Toronto Suburban Street Railway Company, Limited, and the Toronto Railway Company; that the said corporation has entered into said agreements, and that each of said by-laws and agreements provides for application being made to the Legislature of the Province of Ontario for an Act to ratify and confirm the same; and whereas the said corporation has by said petition prayed for special powers in reference to the separation of school sections numbers 13 and 22 of the Corporation of the Township of York from the union school section of which the said town forms a part, and to amend the Act respecting the Township of York passed in the 60th year of Her Majesty's reign, chapter 84; and whereas the said corporation has by said petition further prayed that by-law number 444 in reference to the Western Stock Market Company, and by-law number 470 extending certain time limits therein, and the agreement entered into with the said company under the said by-law number 444, be ratified and confirmed, and that the corporation may be granted power to expropriate lands and convey the same to the said company; and whereas the said corporation has by its said petition prayed that by-law No. 473, providing for the exemption from taxation of the Gasoline Engine Company, Limited, as amended by by-law No. 474, be ratified and confirmed, negotiations in reference thereto having been pending at the time of the passing of *The Municipal Amendment Act, 1899*, although owing to an oversight the said by-law was not finally passed until after the 1st day of September, 1899; and whereas the said corporation has by its said petition further set forth that prior to the passing of *The Municipal Amendment Act, 1899*, certain manufacturing establishments were granted ten years terms of exemptions and built factories in the town, relying upon the municipal council having power to extend said terms of exemption for a further period of ten years, under the Acts then in force; and whereas more than one-third of the voters on the voters' list of said town are non-resident, many of them living in distant parts of Canada and in Great Britain and in foreign

foreign countries, and it is therefore almost impossible to obtain the assent of two-thirds of the voters, as provided in *The Municipal Amendment Act, 1899*, to the extension of the said exemptions, and said corporation has therefore prayed that power may be given to it to renew such exemptions for a further period of ten years with the assent only of a majority of the ratepayers voting thereon and whereas the said corporation has further prayed for the confirmation of certain tax sales; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws and  
agreements  
confirmed.

1. The by-laws and agreements hereinafter referred to are hereby ratified and confirmed and declared to be valid and binding upon the said corporation and upon the companies therein named, but subject to the variations and declarations in the second section of this Act contained, said by-laws and agreements being as follows:

(1) By-law No. 475 intituled "A by-law in reference to the Toronto Suburban Street Railway Company, Limited, and passed on the 11th day of November, 1899, a copy of which is printed as schedule "A" hereto.

(2) Agreement made between the Corporation of the Town of Toronto Junction and the Toronto Suburban Street Railway Company, Limited, and dated the 11th day of November, 1899, a copy of which is printed as schedule "B" hereto.

(3) By-law No. 476 intituled "A by-law in reference to the Toronto Railway Company," and passed on the 11th day of November, 1899, a copy of which is printed as schedule "C" hereto.

(4) Agreement made between the Corporation of the Town of Toronto Junction, the Toronto Railway Company and the Toronto Suburban Street Railway Company, Limited, and dated the 6th day of October, 1899, a copy of which is printed as schedule "D" hereto.

Variations in  
agreement  
with City and  
Suburban  
Railway  
Company.

2. It is hereby declared that the said agreement printed in schedule B is varied in the following respects: Section 4 thereof shall be read as having the words "except with the approval of the corporation" struck out.

Section 34 shall be read as having the words "include local improvements but shall" struck out.

Section 35 shall be read as having the words "this provision shall cease to be in force" struck out, and the following words added thereto: "then the rates levied shall be applied according to law."



Section 37 shall be read as having the following words added thereto: "and the company shall not in any case be entitled to compensation from the corporation for or in respect of any posts and wires erected by the company, and the corporation may, notwithstanding the erection of posts and wires by the company, construct electric light works in the said town without making any such compensation."

3. (a) The union for public school purposes between the Town of Toronto Junction and school sections numbers 13 and 22 of the Township of York is hereby dissolved, and from and after the passing of this Act said sections 13 and 22 shall become rural school sections of the said township, and the municipal council of said township shall within one month after the passing of this Act call a meeting of the public school supporters of each section for the purpose of electing three provisional trustees for each section, who shall hold office until succeeded by trustees elected in manner provided by *The Public Schools Act* for the first election of trustees in a new school section, and notice of the annual meeting of public school supporters in each respective section to be held on the last Wednesday in December, 1900, shall be given by the said provisional trustees. The trustees composing the present Toronto Junction Public School Board shall be and continue to act as the board of trustees for the union until the election of the provisional trustees as hereinbefore provided, and thereafter for the said town until the expiration of their respective terms. Union for  
school  
purposes  
dissolved.

(b) The said town and township may enter into an agreement for adjusting in an equitable manner all rights and claims consequent upon the dissolution of said union section as herein provided, and for determining what amount shall be paid by one of the said municipalities to the other.

(c) In case the said two municipalities shall be unable to agree, then all matters in dispute may be referred by either municipality to the Official Arbitrator, who shall hear and determine the whole matter, and his award shall be final and binding upon the municipalities and school sections concerned.

(d) For the purpose of paying the amount due under such agreement or award the necessary by-law may be passed and debentures issued by the proper municipality to be payable out of the property taxable for public school purposes in such municipality or school section as the case may be.

(e) The council of the Township of York may at any time after the adjustment by agreement or award, as the case may be, of all rights and claims consequent upon the dissolution, alter the boundaries of said sections 13 and 22 or any adjoining sections or section; anything in *The Public Schools Act* to the contrary notwithstanding.

(f) Except in so far as otherwise provided herein, the provisions of *The Public Schools Act* shall apply to the separation of the school sections herein provided for.

(g) It shall be lawful for the municipal council of the Township of York after such agreement or award is made to sell or convey to a purchaser or purchasers the premises on the southwest corner of Elizabeth and Louisa streets, known as the Elizabeth Street School.

(h) If there be any sum payable by the township to the town, under any agreement or award as aforesaid, the same shall be received by the Molsons Bank in trust to pay the same to the holders of debentures issued under the provisions of the Act respecting the Town of Toronto Junction passed in the sixty-first year of Her Majesty's reign, Chapter 55, such holders to be ascertained as provided in section 8 of the said Act.

60 Vic. c. 84,  
repealed.

4. Section 1 of the Act passed in the 60th year of Her Majesty's reign, chapter 84, entitled an *Act respecting the Township of York* is hereby repealed.

By-laws Nos.  
444 and 470  
confirmed.

5. By-laws Nos. 444 and 470 printed as Schedules E and F hereto respectively and the agreement dated 12th May, 1898 between the said corporation and the Western Stock Market Company, printed as Schedule G hereto are, except as varied and limited by this Act, ratified, authorized and confirmed, and the said corporation and the said company are declared to have and to have had power to make and to enter into said agreement. It is hereby declared that the term "actual cost of production" used in the fourth clause of said by-law No. 444, and in the fourth clause of the said agreement, shall include *inter alia* interest at the rate of five per cent. per annum on capital expenditure on the water-works system, also the cost of maintenance and repairs thereof, and a fair charge for depreciation of plant and machinery.

Expropriation  
of land.

6. Should it be deemed expedient by the said corporation in the interests thereof it shall be lawful for the said corporation at the request of the said company upon a sufficient indemnity or payment in money or both to the corporation to enter upon and take any lands not exceeding in all thirty-five acres within the limits of the said municipality as the said corporation may deem necessary and suitable for a site for the purposes mentioned in said agreement and to close up all streets and lanes running through or upon the lands selected for the purposes aforesaid, provided that the owners of the land so entered upon and taken and of any other lands injuriously affected by the taking of the said site or by closing up of any such street or lane shall be entitled to compensation as provided by section 437 and following sections of *The Municipal Act* relating to compensation for lands taken or injured, and in the event of the said corporation and the owners of the said lands not being able to agree upon the amount of the said compensation the

same

same shall be determined by arbitration as provided by *The Municipal Act*.

7. Whenever the said municipal corporation shall have acquired the title to the said lands or any portion thereof as aforesaid they may convey the same to the said company upon payment by the said company to the said corporation of an amount equal to the amount which the said corporation has paid or to payment of which it has become liable for compensation to the owners of the lands so taken or injured together with all costs and charges incurred by said corporation in the exercise of the powers conferred upon them under the preceding sections.

Conveyance  
of lands by  
corporation  
to company.

8. The municipal council of said corporation may if it be deemed advisable enact by by-law that the arbitration provided for in section 6 hereof shall take place before the corporation enters upon or takes possession of said lands and in such case if the said council deems the amount awarded too great then it may refuse to adopt the award or take the said lands, but if the award is not adopted then the corporation shall pay to the owners of said land the costs of such abortive arbitration.

Arbitration  
provisions.

9. By-law number 473 entitled "A by-law in reference to the Gasoline Engine Co., Limited," dated the 6th day of November, 1899, as amended by by-law 474, and a copy of which is printed as schedule H hereto, is hereby ratified and confirmed.

By-law No.  
473 confirmed.

10. The municipal council of the said corporation, in addition to the power of exemption from taxation, conferred by section 7 of the Act 61 Victoria, chapter 55, may, by by-law, renew in whole or part any exemption, except as to school rates, granted before the passing of that Act for a further period not exceeding ten years, provided that such by-law shall have been first approved in writing by the Committee named in the 13th section of this Act or by a majority of them, and that it receive the assent of not less than two-thirds of all the members of the Municipal Council and the assent of the electors shall not be necessary.

Exemption of  
manufacturing  
establishments.

11. All sales of vacant lands for taxes held prior to the year 1899 in the said town are hereby ratified and confirmed.

Tax sales  
confirmed.

12. It shall be lawful for said corporation to appoint the same person to be treasurer and collector of said town and all official acts of the person heretofore acting as treasurer and collector are hereby ratified and confirmed.

One person  
may be both  
treasurer and  
collector.

13. The Mayor of the Town of Toronto Junction, Herbert C. Hammond of the City of Toronto, broker, and John K. MacDonald

Committee to  
approve ex-  
emptions, etc.



donald of the City of Toronto, insurance manager, shall be a committee, and they or any two of them may and shall determine the questions of exempting any manufacturing establishment in whole or in part from taxation and of renewing any such exemption or any exemption heretofore granted, and also as to the indemnity or money payment or both to be made by the Western Stock Market Company under the provisions of this Act, and as to the amount to be included in the "actual cost of production" of water, in respect of the items of interest, maintenance, repairs and depreciation, and the written decision of such committee or any two of them on any such matter shall be binding without question or appeal. Should either the said Herbert C. Hammond or John Kay Macdonald die or be unable or unwilling to act as a member of such committee, then some person shall be appointed in his place by the other of them.

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## SCHEDULE A.

### *(Section 1.)*

#### NUMBER 475.

A By-Law in reference to the Toronto Suburban Street Railway Company (Limited). Passed 11th November, 1899. Be it enacted by the municipal corporation of the town of Toronto Junction as follows :

1. That the mayor and clerk be, and they are hereby authorized under his seal of the corporation to enter into the agreement with the Toronto Suburban Street Railway Company (Limited), a copy of which is hereto attached.

2. That the corporation in so far as it has power and jurisdiction so to do doth hereby grant unto the Toronto Suburban Street Railway Company (Limited) its successors and assigns for a period of twenty-three years from 1st of September, 1898, the exclusive right to construct, maintain and operate surface street railways with the necessary switches, sidings and turnouts and to erect and maintain such poles and wires as may be necessary for the transmission of electricity as set forth in the said agreement.

3. The property of the said company shall be exempt from general taxation for a period terminating with the franchise granted under sec. 34 of said agreement subject to the terms and conditions contained in said agreement.

4. The company shall be provided with water as provided in sec. 36 of the said agreement.

5. This by-law shall not come into force or operation until ratified by legislation as provided in said agreement.

SCHEDULE

## SCHEDULE B.

*(Section 1.)*

This indenture made in duplicate the eleventh day of November, A.D. 1899, between The Corporation of the Town of Toronto Junction hereinafter called the corporation, of the first part, and The Toronto Suburban Street Railway Company, Limited, hereinafter called the company, of the second part.

Witnesseth that whereas by a certain indenture bearing date the 8th June, 1891, and made between the corporation and the Davenport Street Railway Company, Limited, the said last named company was granted the right to operate a surface street railway upon portions of Davenport road, Weston road and St. Clair avenue in the said town for a period of twenty years from the said 8th June, 1891, paying a yearly rental after the first ten years of \$200.00 per mile of track (\$200).

And whereas by a certain other indenture bearing date the 5th October, 1891, and made between the corporation and the City and Suburban Electric Railway Company, Limited, the said last named company was granted the right to operate for a period of twenty years from said 5th October, 1891, surface street railways upon all or any streets or roads of the said town, except those on which the Davenport Street Railway Company had been granted the right to operate under said in part recited agreement paying a yearly rental after the first ten years of \$500.00 per mile of track.

And whereas by the Act passed in the 57th year of Her Majesty's reign and chapter 94, the Toronto Suburban Street Railway Company, Limited, party hereto of the second part was incorporated, and was thereby granted power to acquire and did subsequently acquire the rights powers and franchises of the Davenport Street Railway Company, Limited, and of the City and Suburban Electric Railway Company, Limited, under the two hereinbefore in part recited agreements and said agreements were by said Act confirmed and declared to be valid and binding upon the parties hereto.

And whereas the said The Toronto Suburban Street Railway Company, Limited, parties of the second part have now in operation the following lines of railway:—

1. The Lambton line extending along Dundas street.
2. The Weston line extending from Dundas street along Keele street and Weston road south to the northern limits of the town.
3. The Davenport line extending from Keele street along St. Clair avenue, King street and the Davenport road to the eastern limits of the town.
4. The Evelyn crescent line extending southerly from Dundas street along Lansdowne avenue, Louisa street and Fairview avenue to Evelyn crescent.

And whereas it has been agreed between the parties hereto that provided the company becomes a party to an agreement with the Toronto Railway Company under the terms of which the regular Dundas street service of such last named company shall be extended to the corner of Keele and Dundas streets as hereinafter provided. Then subject to the terms and conditions hereinafter contained the corporation will agree that in substitution for the franchises granted under said in part recited agreements for twenty years from said dates respectively franchises shall now be granted for a period of twenty-three years from the first day of September, 1898, and certain other concessions shall be made to the company as to mileage rental, exempt from taxation and the supply of water at cost as hereinafter provided.

Now

Now therefore this indenture further witnesseth as follows :—

1. The sections of this agreement which are similar to sections contained in said two prior agreements are to be construed as constituting a consolidation thereof, and the repetition thereof in this agreement shall not affect the confirmation of said sections by said special Act and the sections of this agreement which are new or which are inconsistent with sections in said two prior agreements are to be construed as constituting a substitution for such last mentioned sections and for such sections as are not mentioned herein.

2. The corporation in so far as it has power and jurisdiction so to do doth by these presents grant unto the company, its successors and assigns for a period of twenty-three years from the 1st September last (1898) the exclusive right to construct, maintain and operate surface street railways with the necessary switches, sidings and turnouts and to erect and maintain such posts and wires as may be necessary for the transmission of electricity for the operation of said railway on all or any of the streets and roads of the said corporation or portions of the same subject as hereinafter contained such posts and wires shall not however be constructed or erected so as to interfere with the posts and wires of the corporation or of other persons or companies and shall be subject to the approval of the town engineer and located as he directs.

Provided that the company shall not have the right to construct a double track upon any street without the express consent of the municipal council.

Except as otherwise provided in this agreement the operations of the company shall be governed by the provisions of *The Street Railway Act*, R. S. O., 1897, chapter 208, except only sections 4 to 10 inclusive, 12 and 14 and 28 to 34 inclusive of said Act.

3. The company covenants and agrees to indemnify and save harmless the said corporation from any loss, costs, charges, damages or expenses of any action or actions at law or otherwise, howsoever arising out of the construction or operation or existence of said railway system, or any part thereof, whether such loss, costs, charges, damages or expenses are occasioned by running at a speed authorized by this agreement or otherwise, or by reason of any alleged damages or interference to or with the property of any other person or company, or the posts or wires of any other person or company having posts or wires on the streets.

4. Steam shall not be used as a motive power except with the approval of the corporation.

5. The corporation will from time to time construct, re-construct and maintain in repair the street railway portion of the roadways on all streets traversed by the railway system; but not the tracks, sub-structure or superstructure required for said railways.

6. The company shall in consideration of the performance of the provisions of section 5 pay to the town treasurer the sum of \$125 per annum per mile of single track payable quarterly on 1st December, March, June and September in each year, or the first juridical day after each of the said days respectively; but this provision shall not come into force until the 1st December, 1899. In computing the amount of the above payments "turnouts" shall not be included, provided that the length of such turnouts shall have been approved by the town engineer. This section shall not however apply to any streets in the town over which any other railway company is allowed at any time to operate with the consent of the corporation, but the corporation shall maintain such portion of said streets at its own expense.

7. The payment of the said mileage quarterly as aforesaid shall be a lien and charge on the said railways and the property used in the working thereof.

8. The company may use its railway for the conveyance of freight, goods and merchandize.

9. If freight cars are operated by the company, then the company shall provide such sidings as the corporation may from time to time request upon conditions similar to those contained in the standard form of siding agreement at present in use by the Canadian Pacific Railway Company.

10.



10. The company may at any time hereafter change the gauge upon its railway now constructed, or which may be hereafter constructed by the company, under authority of the corporation except on Dundas street, east of Keele street, from the now or then existing gauge to the standard railway gauge, being four feet eight and one-half inches, or to such gauge as may be hereafter adopted as a standard electrical railway gauge, or to such gauge as may be in use upon the street railways or tramways in the city of Toronto in the discretion of the company, and may, with the consent of the council, change the rail now in use by the company on its railway, or that may be in use upon its railway now or hereafter to be constructed.

11. The speed of the cars shall not exceed twelve miles an hour within the following limits : Elizabeth street on the west, St. Clair avenue on the north, Humberside avenue on the south, and the boundary of the town on the east. Outside of these limits the speed shall not exceed twenty miles an hour ; but the corporation shall have the right to require a less maximum speed than above when the parts of the town through which said railway shall be operated become more thickly peopled.

12. The company shall construct the tracks and substructure according to the best modern practice from time to time in general use, and as most suitable for the comfortable and safe use of the highway by those using vehicles thereon, and all changes in the tracks, rails and roadbed construction of new lines or additions to old ones shall be done under the supervision of the town engineer, and to his reasonable satisfaction.

13. The company, when putting down its tracks, shall be required to lay the same on the present level of the streets, or as near thereto as is compatible with the proper execution of the work, and in case the corporation shall hereafter require it the company shall, at its own expense, lower or raise and relay its tracks so as to conform to the grade the street may be brought to by the corporation cutting or filling in the streets, it being understood that except on Keele street, north of Dundas street, and for 200 yards on Western road south, no changes in grade shall be made until after two years from said 1st September, 1898, and thereafter not oftener than once in five years, subject, however, to the rights of the ratepayers and of the corporation under the local improvements sections of *The Municipal Act*. The rails are to be laid flush as nearly as practicable with the streets' so as to cause the least possible impediment to the traffic of the streets.

14. The location of the railway on any street shall not be made by the company until plans thereof showing the proposed position and style of the rails to be used, and other works, on each such street in connection with the construction of said railway have been submitted to and approved in writing by the town engineer and adopted by resolution of the municipal council, and the construction shall be carried out in accordance with such plans (provided also that the corporation shall have the right to prohibit the company from locating its railways upon any particular street or streets, or portion thereof), but the corporation shall not have such right to prohibit in any case where there is no other practicable route along which the railway can be operated.

15. The corporation shall have the right, subject to the provisions of clause 13, to take up the streets traversed by the railway lines for all purposes within the powers of the corporation, including altering grades thereof, constructing or repairing pavements, sewers, drains, conduits, or for laying down or repairing water or gas pipes without being liable for any compensation or damage that may thereby be occasioned to the working of the railway or the works connected therewith, but all such work shall be proceeded with by the corporation with due diligence, so that there shall be no loss of time to the railway save what cannot reasonably be avoided. The said corporation shall, after the completion of any such works or improvements, leave the said railway line, rails and sub-structure in substantially the same state and condition as before the commencement of any such works or improvements. In the event of the company desiring to make any repairs or alterations in the ties, stringers, rails, turnouts or curves on paved streets the portion of the roadway torn up in so doing shall be repaved by the corporation, but at the expense of the company.

16. The privilege hereby granted is also subject to any existing rights, statutory or otherwise, of any other corporation which has now the power to open or take up the streets of the town.

17. The company shall remove the snow and ice from the track allowance so that cars may be used continuously, and shall, if the town engineer so directs, evenly spread the snow on the adjoining portions of the roadway; but should the fall of snow, or the accumulation of snow and ice, upon the business streets of the town at any time exceed nine inches in depth the whole space occupied as track allowance shall thereafter, if the town engineer directs, be cleared of snow and ice, and the material removed and deposited at such point or points on or off the street at a reasonable distance as may be ordered by the town engineer, and the town engineer shall from time to time define what streets, or parts of streets, shall be considered business streets under this section. But the company shall not sprinkle salt or other material on said track allowances for the purpose of melting snow or ice thereon without the written permission of the town engineer.

18. The rails, poles and wires used in the construction of any part of the railway not heretofore in operation or that may be forfeited to the corporation for non-operation, and the rails, poles and wires of any part of the railway that the company may cease to operate shall be the property of the company, and the company may take up such rails, poles and wires, but the company shall forthwith thereafter place the roadway in good condition for travel, or the corporation may do so at the expense of the company.

19. The rates for tickets and fares shall within the limits of the town be as follows: Single (cash) fares are to be five cents each. A class of tickets must be sold at the rate of six for twenty-five cents. Another class must be sold at the rate of twenty-five for one dollar. Children under nine years of age and not in arms are to be carried at half rates, and infants in arms are to be carried free. School children are to have tickets at the rate of ten for twenty-five cents, only to be used between 8 a.m. and 5 p.m., and not on Saturdays. Limited tickets (good between 5.30 and 8, and between 5 and 6.30 p.m.) eight for twenty-five cents.

20. Police constables and firemen in the employ of the corporation when on duty shall be carried free.

21. Cars are to be of an approved design, as from time to time in general use in the city of Toronto for service and comfort, including lighting and signal appliances, numbers and route boards, and cars must be kept clean inside and out. Thoroughly efficient brakes are to be provided, also fenders satisfactory to the town engineer. The company shall cause all passenger cars to be heated to a comfortable temperature from 1st November to 1st April, and to be properly lighted. Smoking will only be allowed on rear platform of closed cars, and rear three seats and platform of open cars; a class of cars may be used for freight, and also a class of combination cars with separate compartments for passengers and freight, and the company is hereby authorized to carry freight on such cars, provided that such freight cars shall be run at such hours and in such a manner as not to interfere with the proper operation of passenger cars.

22. Notices shall be posted in the cars that no person shall enter or leave the cars while in motion.

23. Cars are not to be overcrowded and the town engineer shall have the right to fix the proper number of passengers to occupy each style of car without overcrowding.

24. Cars shall have right of way and vehicles or persons shall not obstruct or delay their operation.

25. Nothing herein contained shall be construed as conferring upon the company any right to construct or operate underground or overhead or elevated railways in the town and the right to construct or operate or to authorize the operation or construction of such railways in the said town or in any part thereof is hereby expressly reserved.

26. The company covenants and agrees to extend within five years from this date its lines of railway so that the length of railway in operation shall be increased ten miles.

27. The company shall each lawful day in the year unless prevented by accident to roadbed or works or general strike among employees or other unavoidable cause run cars over their Lambton, Weston and Davenport lines as frequently and at such hours as will best meet the wants of the general public to be decided and certified in writing by the town engineer, subject to the approval of the municipal council, but the company shall not be bound to run their cars more frequently than one car every thirty minutes over their Lambton, Davenport Road and Weston lines, and the company shall not be bound to run any cars between the hours of twelve o'clock midnight and 5.30 a.m.

28. (1) The corporation shall have the right to take over the property of the company at the expiration of the said term of twenty-three years or at the expiration of any subsequent term of five years under the provisions of *The Street Railway Act*, but the corporation shall only pay for the real property so taken over what it will then bring or its worth without reference to the value for the purpose of operation of a street railway or railways and no allowance shall be made to the company in respect to the franchise hereby granted.

(2) After the corporation shall have given notice of its intention to take over the said railway and property it may at once proceed to arbitrate and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators shall proceed so as if possible to make their award not later than the time named by the corporation for taking over the said railway. But if from any cause the award shall not be made by such time or if either party be dissatisfied with the award the corporation may nevertheless take possession of the said railway and all the property and effects thereof, real and personal, necessary to be used in connection with the working thereof on paying into court either the amount of such award if the award be made or if not upon paying into court or to the company as the case may be such sums of money as a judge of the high court of justice may upon notice to the opposite party order and upon subject and according to such terms, stipulations and conditions as the said court shall by its order direct and prescribe provided always that the rights of the parties except in so far as herein specially provided shall not be affected or prejudiced thereby.

29. In case of any dispute arising or differences of opinion during the term of this contract between the company and the corporation as to the meaning or construction of this contract the same shall be determined on summary application after two days' clear notice to the other party by the person who for the time being fills the office of judge of the county court for the county of York who may as arbitrator determine the same with the powers as to the costs and otherwise of arbitrators under *The Municipal Act* and his decision shall be final.

30. After the year 1901 the company shall upon the request of the corporation construct and operate a line or lines of railway on such street or streets in the town as may be from time to time recommended by the town engineer for the time being and approved by the municipal council. Such line or lines to be complete and in operation within a period (not less than six months) to be fixed by by-law passed by a majority vote of all the members of the municipal council.

31. If the company shall fail to operate in accordance with the terms of this agreement its Lambton, Davenport and Weston lines or either of them such failure shall work a complete and absolute forfeiture of all the privileges or franchise on or over the streets granted by the corporation to the company under this agreement or any previous agreements. Provided however that the said forfeiture shall not be enforceable by the corporation until after the corporation has given to the company notice stating in what respect the company has so failed to operate its lines, and the company has for one month after such notice refused or neglected to remedy such failure to operate and if the company shall fail to run one car every hour over its Evelyn Crescent line such failure shall subject to the above recited provision for notice by the corporation to the company work a complete and absolute forfeiture of all its privileges or franchise on and over all streets in the town lying south of the south side of Dundas street. Such forfeiture however shall not take place until the same shall



shall have been exercised by a by-law of the corporation to be passed by a two-thirds vote of all the members of the municipal council of the corporation.

32. In case the company shall refuse, decline or fail to construct a line or lines of railway on streets of the town as provided in section 30 the franchise of such streets not then used by the company shall revert to the town and the town shall in that case have the right to grant a franchise of such streets to any other street railway company and any other street railway company shall have the right to cross the tracks of the company so failing with its line or lines of railway without the payment of any sum for the privilege of so crossing except the cost of making the crossing and maintaining the same.

33. Provided that the company upon request of the corporation under section 30 must construct the whole line of railway requested and in default shall forfeit the franchise for the whole of the line on such street.

34. All the property of the company necessarily used in connection with the working of the railway and other objects covered by the agreement appertaining thereto and the income derived therefrom by the shareholders of the company shall be exempt from taxation for a period terminating with the franchise hereby granted in accordance with by-law bearing even date herewith and subject to the terms and conditions in said by-law contained this exemption shall include local improvements but shall not extend to school rates.

35. The said railway property shall be assessed for public school purposes and the rates levied in respect thereof shall be payable to the public school funds of the town but this provision shall cease to be in force if a separate school is at any time erected in the town.

36. The company shall be supplied with water from the corporation waterworks for ten years from 1st January next at a price equivalent to the actual cost of production, such cost being hereby fixed at 10 cents per 1,000 gallons up to 100,000 gallons per day, the quantity of water to be consumed shall be estimated and certified by the Superintendent of the municipal waterworks whose decision shall be final and the company shall pay the cost of any necessary water meter.

37. The company may erect posts and wires for the supply of electricity for light and power unless and until the municipal council shall at any time pass a by-law revoking this consent and requiring the company to cease such supply and the company shall thereupon forthwith remove all posts and wires used for such purposes and cease the supply of electricity for light and power except to its own street railway premises and care.

38. The company may construct and operate its lines of railway across and along any private property which it may acquire from time to time, and may connect and operate the same with the lines of railway now constructed or which may hereafter be constructed along streets under this agreement.

39. In case of neglect or failure on the part of the company to perform any of the covenants or conditions of this agreement, the company shall in such case of failure forfeit and pay to the corporation as liquidated and ascertained damages and not as a penalty the sums following, that is to say :

For breach of section 4 the sum of .....	\$30 00
“ “ 11 “ .....	60 00
“ “ 17 “ .....	70 00
“ “ 20 “ .....	10 00
For breach of covenant to heat cars in section 21 the sum of .....	25 00
For breach of covenant to provide fenders in section 21 the sum of .....	75 00
For breach of covenant to provide brakes in section 21 the sum of .....	80 00
For breach of section 23 the sum of .....	40 00
For breach of any of the other covenants or conditions the sum of .....	50 00

40. The company and the corporation mutually covenant and agree to pass any necessary by-law or by-laws to carry out this agreement and to promote any legislation necessary to ratify and confirm this agreement and said by-law or by-laws, and until said legislation is obtained said hereinbefore in part recited agreements shall be and continue in force, and in the event of this agreement being voided then the rights of the parties as they existed prior to the execution hereof shall remain unaffected and as if this agreement had not been entered into.

41. If at any time in the future the corporation should desire to grant the exclusive right to any other company to build and operate a street railway on Keele street, from the south side of Dundas street to Humber-side avenue, and along Humber-side avenue and Annette street, or either of them, easterly to Dundas street, then the company shall forthwith, upon notice by the corporation, surrender their rights under this agreement so far as it relates to the said last mentioned streets, but in that case the company shall have the right to remove any rails, posts and wires placed upon the said streets before such notice, and provided further that nothing in this agreement contained shall authorize the construction of a double track upon Dundas street, west of Union street, without the consent of the corporation.

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## SCHEDULE C.

(Section 1.)

NUMBER 476.

A By-law in reference to the Toronto Railway Company, passed 11th November, 1899.

Be it enacted by the Municipal Council of the Corporation of the Town of Toronto Junction, as follows :

1. That the mayor and clerk be and they are hereby authorized to sign and attach the corporate seal to the agreement between this corporation and the Toronto Suburban Street Railway Company, Limited, and the Toronto Railway Company (a copy of which is hereto attached).

2. The property of the said company shall be exempt from general taxation for a period terminating with the franchise granted under the terms of the said agreement, subject to the terms and conditions contained in the said agreement.

3. This by-law shall not come into force or operation until ratified by legislation as provided for in said agreement.

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## SCHEDULE D.

(Section 1.)

Agreement made the sixth day of October, 1899, between the Corporation of the Town of Toronto Junction, hereinafter called the corporation, of the first part ; the Toronto Railway Company, hereinafter called the city company, of the second part ; and the Toronto Suburban Street Railway Company, Limited, hereinafter called the suburban company, of the third part.

The parties hereto mutually covenant and agree as follows :

1. The suburban company and the corporation grant unto the city company, its successors and assigns, subject as hereinafter contained, for a period

period of twenty-three years from 1st September, 1898, the right to run cars over Dundas street, between the easterly limits of the town and the western limits of Keele street, subject to the terms and conditions hereinafter contained, together with the right in common with the suburban company to operate a "Y" on Keele street, north or south of Dundas street, and on Dundas street, west of Keele street, for the purpose of turning the cars of the city company, provided that the city company shall not have the right to construct a double track upon any part of Dundas street, west of Union street, without the express consent of the corporation.

2. The city company covenants and agrees to indemnify and save harmless the said corporation from any loss, costs, charges, damages or expenses of any action or actions at law or otherwise howsoever or by reason of any alleged damage or interference to or with the property of any other person or company, or the posts or wires of any other person or company having posts or wires on the streets arising out of the construction or operation or existence of the said city company's system of railway, or any part thereof, upon the streets of the town.

3. The city company, the Suburban Company and the corporation severally each with the other covenant and agree to abide by and observe the covenants and conditions contained in clauses 4, 5, 8, 12, 13, 14, 15, 22, 24, 25, 34 and 35 of the agreement between the corporation and the suburban company (a copy of which is hereto attached) so far as applicable to that portion of the railway to which this agreement extends, and said parties shall be bound by said clauses as if they had been inserted in this agreement and made binding upon the city company.

4. The rates for tickets and fares charged by the city company shall be the same as those in force in the city of Toronto from time to time and subject to this provision: the payment of a single fare or the presentation of a single ticket shall entitle the passenger to a continuous ride from any point on said city railway within the said corporation to any point on the city railway within the city of Toronto or from any point on said city railway within the city of Toronto to any point on said city railway within the corporation.

5. Police constables and firemen in the employ of the corporation when on duty and in uniform shall be carried free over the city company's system.

6. The city company shall each day operate its regular Dundas street service along Dundas street, between the eastern limit of the town and the western limit of Keele street, and cars operated on said street shall be those operated on the regular Dundas street service of the city company to the westerly limit of Dundas street within the city of Toronto.

7. If the city company shall wilfully fail for a space of one week to operate in accordance with the terms of this agreement its Dundas street line, such failure shall, at the option of the corporation (to be exercised by by-law), work a complete and absolute forfeiture of all the privileges or franchises granted to said city company under the terms of this agreement, but this clause shall not extend to the case of neglect to run cars by reason of accident to the road bed or works or general strike among the employees or other unavoidable cause.

8. So long as the city company shall continue to operate its cars under the terms of this agreement the suburban company shall be relieved from its obligation to operate its cars on Dundas street east of the west limit of Keele street under the terms of the said agreement with the suburban company.

9. The said companies and the corporation mutually covenant and agree to pass any necessary by-laws and to promote any legislation necessary to ratify and confirm this agreement, and that unless such legislation is obtained within two years this agreement shall cease to be binding or in operation.

10. This agreement shall not be binding upon the suburban company until the agreement bearing date the sixth of October, 1899, made between the corporation and the suburban company shall have been confirmed by Act of the Legislature of the Province of Ontario.



## SCHEDULE E.

(Section 5.)

NUMBER 444.

By-law in reference to the Western Stock Market Company, passed 12th May, 1898.

Whereas, it is deemed necessary and desirable in the best interest of the corporation that stock market facilities should be established at some suitable point within the limits of the said corporation, together with such kindred industries as can be induced to locate in connection therewith ;

And whereas the said corporation is not in the position of itself to expend the money necessary to establish and equip the said market ;

And whereas the said corporation consider it advisable that the said market facilities should be procured, equipped and established by private enterprise rather than at the expense of the said corporation, and, in order to secure the same, together with the industries aforesaid, have decided to encourage and assist the establishment thereof, and of such kindred industries as the company may induce to locate in the town in connection with such market by granting exemption from general municipal taxation and other inducements as hereinafter more fully set out as soon as legislation can be obtained enabling the said corporation so to do.

Be it therefore enacted by the municipal council of the corporation of the Town of Toronto Junction as follows :

1. That subject to ratification by special Act as hereinafter provided the said corporation will grant to the said company, its successors and assigns, and to such undertakings exemption from general municipal taxation (not including school rates, local improvement assessments or sewer rental payable to the city of Toronto) for a period of thirty years from and after the going into effect of this by-law, for the lands of the company, not exceeding thirty-five acres, together also with the meat packing or curing and other kindred industries and buildings, erections and improvements, and will as soon as possible consent to legislation confirming this by-law and any agreement made in pursuance hereof, and enabling the corporation to carry the same into effect according to the true intent and meaning thereof.

2. And provided that the location of the said market and industries is such that it is possible to properly and adequately drain the same into the sewers existing at the time such connections is required, without the construction of more than one thousand feet of sewer, the said corporation will provide proper and adequate sewer facilities to connect with that of the market and industries established thereat as aforesaid, and if the construction of more than one thousand feet of sewer is required for the purpose aforesaid, the excess will be constructed by the town upon such terms as the council may agree upon, but the corporation shall not in any case be bound to construct any sewer beyond the limit of the company's property nearest to the said existing sewer.

3. And the said corporation will assist the said company in obtaining the closing under the provisions of *The Municipal Act* of any streets that may be laid out upon the lands acquired by the said company for the purpose aforesaid ; provided always that in no case shall the corporation be required to close any such streets or assist in having same closed, if so doing would subject the corporation to payment of damages, and the corporation will assist in obtaining, and in so far as it has power so to do, will grant to the said company, its successors or assigns the privilege of laying railway switches across or over streets within the corporation from the railway lines to the said market, subject always to all proper restrictions, and the same to be laid subject to the approval of the engineer of said corporation.

4. And the said corporation will during the said period supply the said market and undertakings with the water necessarily required by them for  
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the carrying on of said undertakings from the town water works system, except in case of unavoidable accidents as hereinafter provided, at a price equivalent to the actual cost of production thereof, such cost and the quantity of water consumed to be estimated and certified by the chief mechanical engineer at the pumping station of the corporation, and not in any event to exceed thirteen cents per thousand gallons, and his certificate shall be conclusive, the company to pay the cost of any metre necessary to ascertain the quantity of water consumed, provided that the corporation shall not be held liable by the company for failure to supply water as above, if the failure be owing to unavoidable accident to their water works system and if the consequences of such accident be remedied without delay by the corporation.

5. And the said corporation during the said period will not establish or carry on as a municipal institution, or grant to any person or persons or corporation, the right to establish or carry on any undertaking or industry similar to those hereinbefore mentioned, or to a lesser or greater extent, or grant to such person or persons or corporation any of the privileges and exemptions hereinbefore mentioned, providing always that the said company, its successors or assigns, shall not itself receive, or be at liberty to give to any person or persons the right to receive any of the benefits hereinbefore mentioned in respect to any undertaking or industry, except those hereinbefore mentioned.

6. Provided that the said company shall, within one year after the passage by the Ontario Legislature of an Act ratifying and confirming this by-law, commence the construction of a stock market at a suitable place within the limits of the said corporation, having suitable railway facilities, and shall complete the construction and equipment of the same within two years of the passage of the Act. The market to be equipped with all modern improvements necessary for the requirements of the stock trade from time to time as the same may develop, and in addition to the expenditure necessary in connection therewith, will establish, or cause to be established, one or more meat packing or curing or other kindred industry, together regularly employing, for at least ten months in each year, not less than one hundred men, sixty per cent. of all employees to reside within the limits of the said corporation while so employed, and the said company will use its best endeavors in every way to secure trade for such market, and encourage the establishment in connection therewith of other industries of the nature aforesaid, and the company or its manager will at any time, on demand of the corporation furnish evidence, by statutory declaration or otherwise in manner satisfactory to the municipal council of the number of employees and their place of residence.

7. Provided that should the said company and the said industries cease to carry on business as aforesaid, or employ the said number of men as aforesaid; then the said corporation shall have the right to repeal this by-law, and cancel any agreement in pursuance hereof.

8. If the said company shall form a joint stock company for the purpose of carrying out the terms of said agreement, the said joint stock company shall, upon executing the necessary contract of substitution, be substituted for the said company, and the said company shall thereupon have no further rights or liabilities hereunder.

9. This by-law shall not come into force or take effect unless and until an Act is passed by the Ontario Legislature within one year from this date, confirming the same, nor until the said company have within the said year after the said legislation acquired the said thirty-five acres of land, and have commenced the construction of said market, nor until they have within two years completed the establishment, construction and equipment of said market and industries giving employment to at least one hundred men as aforesaid.

10. The mayor and clerk are hereby authorized to sign and attach the corporate seal to an agreement with said company in accordance with the terms of this by-law and in form satisfactory to the town solicitor.

## SCHEDULE F.

(Section 5.)

## BY-LAW NUMBER 470.

A By-law to amend By-law Number 444, passed 21st August, 1899.

Be it enacted by the municipal council of the corporation of the town of Toronto Junction as follows :—

1. That the times limited in and by the agreement dated the 12th May, 1898, between the corporation and the Western Stock Market Company, Limited, for performing the terms and conditions in said agreement contained be and the same is hereby extended for a further period of one year respectively, and that said agreement so amended be and the same is hereby ratified and confirmed.

## SCHEDULE G.

(Section 5.)

Memorandum of agreement made this 12th day of May, A.D. 1898, between the Corporation of the Town of Toronto Junction, herein after called the Corporation, of the first part, and The Western Stock Market Company, hereinafter called the Company, of the second part.

Whereas it is deemed necessary and desirable, in the best interest of the said corporation, that stock market facilities should be established at some suitable point within the limits of the said corporation, together with such kindred industries as can be induced to locate in connection therewith ;

And whereas the said corporation is not in a position of itself to expend the moneys necessary to establish and equip the said market ;

And whereas the said corporation consider it advisable that the said market facilities should be procured, equipped and established by private enterprise rather than at the expense of the said corporation, and in order to secure the same, together with the industries aforesaid, have decided to encourage and assist the establishment thereof, and of such kindred industries as the company can induce to locate in the town in connection with such market by granting exemption from general municipal taxation and other inducements as hereinafter more fully set out as soon as legislation can be obtained enabling the said corporation so to do ;

And whereas the said company are willing to establish and equip the said market and undertake to establish or procure the location and establishment of such kindred industries in connection therewith as hereafter mentioned, upon receiving the assistance aforesaid ;

And whereas by by-law number 444 of the municipal council of said corporation it was enacted that an agreement should be entered into between the corporation and the said company in pursuance thereof ;

Now, therefore, it is agreed between the said corporation and the said company, their and each of their successors and assigns, as follows :—

1. Subject to ratification by special Act, as hereinafter provided, the said corporation will grant to the said company, its successors and assigns, and to such undertakings, exemption from general municipal taxation (not including school rates, local improvement assessments or sewer rentals payable to the city of Toronto) for a period of thirty years from and after the



the going into effect of such by-law for the lands of the company, and of the meat packing or curing and other kindred industries not exceeding thirty-five acres, together also with the buildings, erections and improvements of said company and industries from time to time, and upon previous payment by the company of the fees payable to the clerk of the Legislative Assembly and for the necessary advertising, will as soon as possible promote, encourage and prosecute legislation confirming the said by-law and this agreement made in pursuance thereof, and enabling the corporation to carry the same into effect according to the true intent and meaning thereof.

2. And provided that the location of the said market and industries is such that it is possible to properly and adequately drain the same into the sewers existing at the time such connection is required, without the construction of more than one thousand feet of sewer, the said corporation will provide proper and adequate sewer facilities to connect with the sewers of the market and industries established thereat as aforesaid, and if the construction of more than one thousand feet of sewer is required for the purposes aforesaid, the excess will be constructed by the town upon such terms as the corporation may agree upon, but the corporation shall not in any case be bound to construct any sewer beyond the limits of the company's property nearest to the said existing sewers.

3. And the said corporation will assist the said company in obtaining the closing under the provisions of *The Municipal Act*, of any streets that may be laid out upon the lands acquired by the said company for the purposes aforesaid and in cases where the title to said streets when closed is in the corporation, the said corporation will convey same to the company free of cost, provided always that in no case shall the corporation be required to close any such streets or assist in having same closed if so doing would subject the corporation to payment of damages, and the corporation will assist in obtaining and in so far as it has power so to do will grant to the said company its successors and assigns the privilege of laying railway switches across or over streets within the corporation from the railway lines to the said market, subject always to all proper restrictions and the same to be laid subject to the approval of the engineer of said corporation.

4. And the said corporation will during the said period supply the said market and undertakings with the water necessarily required by them for the carrying on of said undertakings from the town waterworks system (except in cases of unavoidable accidents as hereinafter provided at a price equivalent to the actual cost of production thereof, such cost and the quantity of water consumed to be estimated and certified by the chief mechanical engineer at the pumping station of the corporation, and no in any event to exceed thirteen cents per thousand gallons, the company to pay the cost of metre necessary to ascertain the quantity of water consumed, provided that the corporation shall not be held liable by the company for failure to supply water as above if the failure be owing to unavoidable accident to their waterworks system and if the consequences of such accidents be remedied without delay by the corporation.

5. And the said corporation during the said period will not establish or carry on as a municipal institution, or grant to any person or persons or corporation, the right to establish or carry on any undertaking or industry similar to those hereinbefore mentioned, or to a lesser or greater extent, or grant to such person or persons or corporation any of the privileges and exemptions hereinbefore mentioned, provided always that the said company, its successors or assigns, shall not itself receive, or be at liberty to give to any other person or persons the right to receive any of the benefits hereinbefore mentioned in respect to any undertaking or industry, except those hereinbefore mentioned.

6. And the said company for itself, its successors and assigns covenants and agrees to assist the corporation in an application to the Ontario Legislature for a special Act, ratifying and confirming the said by-law and this agreement so that the said Act shall be passed within one year from this date, and further shall within one year after the passage of said Act commence the construction of a stock market at a suitable place within the limits of the said corporation having suitable railway facilities and shall  
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complete the construction and equipment of the same within two years from the passage of the said Act. The market shall be equipped with all modern improvements necessary for the requirements of the stock trade from time to time as the same may be developed and in addition to the expenditure necessary in connection therewith, shall establish or cause to be established, one or more meat packing or curing or other kindred industry together regularly employing for at least ten months in each year not less than one hundred men, sixty per cent of all employees to reside within the limits of the said corporation while so employed, and the said company will use its best endeavours in every way to secure trade for such market, and to encourage the establishment in connection therewith of other industries of the nature aforesaid, and the said company, or its manager will at any time on demand of the corporation furnish evidence by statutory declaration in manner satisfactory to the municipal council of the number of employees and their places of residence.

7. Provided that should the said company and the said industries cease to carry on business as aforesaid, or employ the said number of men as aforesaid, then the said corporation shall have the right to repeal the said by-law, and cancel this agreement.

8. It is agreed between the parties hereto that the said by-law of which a copy is hereto attached, is incorporated herewith, and the parties hereto each with the other agree to carry into effect, observe and perform all the provisions and stipulations therein contained, and to be carried into effect, observed and performed by the parties hereto respectively.

9. It is further agreed between the parties hereto that if the said company shall form a joint stock company for the purpose of carrying out the terms of this agreement, the said joint stock company shall upon executing the necessary contract of substitution, be substituted for the said company, and the said company shall thereupon have no further right or liabilities hereunder.

10. This agreement shall not be binding upon the corporation unless and until an Act is passed by the Ontario Legislature within one year from this date confirming the same and said by-law, and the said corporation shall have the right to repeal said by-law and cancel this agreement if the company within one year after the passage of said Act shall not have acquired said lands not exceeding thirty-five acres, and have commenced the construction of said market, or if within two years after the passage of said Act they shall not have completed the establishment, construction and equipment of said market and industries giving employment to at least one hundred men as aforesaid.

## SCHEDULE H.

(Section 9.)

NUMBER 473.

A By-law in reference to the Gasoline Engine Company (Limited).

Passed November 6th, 1899.

Be it enacted by the municipal council of the corporation of the town of Toronto Junction as follows:

1. That the manufacturing establishment known as the Gasoline Engine Company (Limited), including buildings and lands used in connection therewith, being described as lots 4, 5, 6, 7, 8, 9, 10, 11, plan 1136, Mill road, shall be and they are hereby exempted from general municipal taxation, not including school rates or local improvement assessments.

2. This by-law shall come into force and take effect as from the 1st January, 1899 A.D., and shall be and continue in force so long as said establishment shall be kept in active operation for at least 10 months in each year and shall give constant employment to at least 12 employees, and so long as 75 per cent at least of the total number of employees shall be *bona fide* residents of the town, otherwise this by-law shall cease to be in force, and in any event this exemption shall not extend beyond the 1st January, 1909.

3. And further if the said establishment be transferred to other parties or the nature of the business changed, or if any other material change takes place in connection with said establishment (of the fact as to whether such change is material, this corporation being the sole judge), then the corporation shall have the right to repeal or amend this by-law.

4. Provided that the proprietors or manager of said establishment shall at any time upon demand furnish to the council, or to whom it may direct, evidence by statutory declaration or otherwise satisfactory to the council of the number of employees with names and places of residence and in case of default in furnishing such evidence after the demand, then the corporation shall have the right to repeal this by-law.

5. The corporation shall for the period ending on the 1st day of January 1909, unless prevented by accident to the waterworks plant or other unavoidable cause, supply the said company from the waterworks system of the town with all water necessarily required for the operation of the said manufacturing establishment, at a price equivalent to the cost of production such cost of production and the quantity of water consumed to be estimated and certified by the chief mechanical engineer for the time being of the corporation at the waterworks pumping station, and his certificate shall be conclusive evidence thereof, the company shall however pay the cost of any water meters necessary to ascertain the quantity of water used by the company.

6. This corporation reserves the right to repeal or amend this by-law if at any time after this by-law comes into force a year shall elapse without said establishment having been in operation for at least 10 months during said year or if at any time less than 12 employees are employed or less than 75 per cent of the total number of employees are *bona fide* residents of the town.

#### SECTION ADDED BY BY-LAW 474.

This by-law shall not come into force or operation until ratified by Act of the Legislative Assembly of the Province of Ontario and the corporation will consent to and at the expense of the company promote any such legislation.



## CHAPTER 104

## An Act to confirm By-Law No. 115 of the Corporation of the Village of Tottenham.

*Assented to 30th April, 1900.*

**W**HEREAS, the Municipal Corporation of the Village of Tottenham has by Petition represented that the council of the said Corporation passed a by-law numbered 115, wherein it was enacted that the said Corporation might borrow \$16,000, and loan \$15,000 of the amount so borrowed to one James Steele to assist him in the erection and equipment of a furniture factory in the said Village of Tottenham, and apply the remaining \$1,000 to pay for a site for the said factory within the limits of the said Village and for the necessary grading for a railway switch or siding to the said factory, and for the levelling of ground necessary therefor and to pay the expense of procuring the passing of an Act to confirm the said by-law; and whereas the said by-law also provides for exemption from taxes (other than school taxes) for the period of ten years of the land, buildings (other than residences), plant and machinery in connection with the said factory, all of which is set forth in said by-law; and whereas there is no other industry of a similar nature established within the limits of the said Corporation; and whereas the said by-law was submitted to a vote of the ratepayers of the said village entitled to vote on money by-laws as provided by *The Municipal Act*, and two-thirds of the ratepayers qualified to vote as aforesaid voted in favour of the said by-law; and whereas the said Corporation has by its petition prayed that the said by-law may be confirmed and declared legal and valid; and whereas no opposition has been offered by or on behalf of any ratepayer of the said Village or otherwise to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said By-law Numbered 115 of the Corporation of the Village of Tottenham, as set out in Schedule "A" to this Act, is confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof; and all acts done or to be done, and all payments made or to be made by the said Corporation, pursuant to the said by-law are

By-law No. 115, loan to James Steele furniture works confirmed.

are hereby declared to be valid and binding, anything in any Act passed by this Legislature to the contrary notwithstanding.

Mortgage to secure a loan to be deemed a mortgage of real estate.

Registration of mortgages Rev. Stat. 148.

Agreement with Steele confirmed.

Moneys loaned to be advanced as buildings progress.

2. The mortgage to be given to the said Corporation by the said James Steele on the buildings, engine, machinery, furniture, and every other thing in connection with the said buildings and business to secure repayment of the said loan of \$15,000 as provided in said by-law, shall be deemed to be a land mortgage, and shall not require to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act* and amending Acts, and the registration of the said mortgage in the Registry Office for the County of Simcoe shall be sufficient notice of such mortgage to all persons whomsoever regarding the chattel property included in and intended to be covered by such mortgage, and the said *The Bills of Sale and Chattel Mortgage Act* and any Act in amendment thereof shall in no way apply to or be binding in reference to the said mortgage.

3. The agreement in writing entered into between the said Corporation of the Village of Tottenham and the said James Steele regarding the matters contained, or referred to, in the said by-law which said agreement is set out in Schedule "B" to this Act is hereby legalized and confirmed. Provided, however, that nothing in the said agreement contained shall affect the assessment of the lands, buildings, machinery, appurtenances and stock in the said agreement described or referred to for school purposes and the said lands, buildings, machinery, appurtenances and stock shall in all respects be assessed for and be liable to taxes for school purposes in the same manner and to the same extent as if the said agreement had not been entered into.

4. After the execution and delivery of the said mortgage the Municipal Corporation of the Village of Tottenham may advance upon the said mortgage the said sum of \$15,000 in such sums from time to time as the municipal council of the said village may deem proper as the building and equipment of the said furniture factory shall progress, having regard to the progress of the work and the value from time to time of the work done and the cost of completing the same, and the municipal corporation shall not be required to advance the whole of the said sum of \$15,000 until the said furniture factory has been built, equipped and furnished as set out in the said agreement.

## SCHEDULE A.

### BY-LAW No. 115.

#### (Section 1.)

A By-Law to authorize the Municipal Council of the Corporation of the village of Tottenham to borrow \$16,000.00 and to loan \$15,000.00 of

said amount to one James Steele of the City of Montreal, in the Province of Quebec, Furniture Dealer, to assist him in the erection and equipment of a furniture factory and to pay for a site for said factory and do the necessary grading for a railway switch or siding to said factory, also to exempt from taxes, (other than school taxes,) for the period of ten years, the lands, buildings, (other than residences,) plant and machinery in connection with said factory. The extra \$1,000.00, over and above the \$15,000.00 thus to be loaned, to be applied by the Municipal Council of the Corporation of the village of Tottenham in paying for the grading and necessary expenses incurred in placing a convenient siding and switch, and for the expenses necessary in bringing this by-law before the Legislature of the Province of Ontario in order to get the consent and sanction of the said legislature.

Whereas the erection of a furniture factory in the village of Tottenham would give employment to a great many residents of said Village, and the establishment of the business will necessitate the employment of a large number of hands, and is confidently expected to conduce very much to the prosperity of said village, and it is deemed wise to assist in the furtherance of this enterprise ;

And whereas the said James Steele has made in writing the following proposals to the Municipal Council of said village of Tottenham :—

(1). To build and equip a furniture factory for home and export trade, said building to be a two story high, solid brick building, 50x100 feet, with three annex suitable buildings, 25x50 feet each, of a cheaper construction, or 75x125 feet, three story high, with one such annex building.

(2). Fully equip and furnish said factory with a seventy-five horsepower engine and all other best modern machinery necessary to manufacture and to carry on export trade of furniture, and to always leave at said factory at least three thousand dollars' worth of lumber and two thousand dollars worth of hardware and varnish, besides the other necessary materials and tools and machinery to be used in the carrying out of said enterprise..

(3). To give, as security, for the loans hereinafter mentioned my own personal bond, and also a first mortgage on the said buildings, engine, lumber, hardware, varnish, machinery and furniture and every other thing in connection with said buildings and business. To insure buildings, machinery, etc., to the extent of loan in favor of Corporation.

(4). To lose no time in the erection, completion and furnishing of said buildings and put the same into operation as soon as completed, and to always keep employed at work in said buildings during the ten years hereinafter referred to from thirty-five to fifty men.

These proposals are made by Mr. Steele on the following conditions ; namely :—

The Municipal Council of the Corporation of the village of Tottenham to

(1). Grant a free site of about two acres of land in a location in the village where a railway siding can be put in from the main railway line, the said site to be levelled and siding graded.

(2). Give me a loan of \$10,000.00 for ten years without interest, \$1,000.00 of it to be paid back annually until paid, and also a loan of \$5,000.00 to bear interest at four per cent. per annum, payable in ten equal annual payments, with interest as aforesaid.

(3). To exempt from taxation the said buildings, contents and business for the said period of ten years.

(4). To give me the privilege of paying back the said \$10,000.00 and \$5,000.00 and interest any time after the expiration of one year after the said factory will be in operation and reserve my right as to exemption from taxation.

(5). To be granted a deed and conveyance of said land, factory and machinery, etc., whenever all of said loans and interest will be paid.

And whereas the said Municipal Council of the Corporation of the village of Tottenham has been petitioned by a majority of the freeholders in the said village of Tottenham to submit a by-law on the terms proposed by said James Steele ;

And



And whereas it has been decided by the Municipal Council of the Corporation of the village of Tottenham to make application to the Legislature of the Province of Ontario for such legislation as may be necessary to empower and authorize the said Municipal Council of the Corporation of the village of Tottenham to issue debentures or bonds of the said village to the amount of \$16,000.00, with interest at the rate of four per cent. per annum, repayable in ten equal annual instalments of principal and interest, and by said Act to legalize this by-law and to enable the said municipal corporation to do all that may be necessary in that behalf :

And whereas the said James Steele, in order to secure the said municipal corporation, has agreed that he will give his personal bond and also a first mortgage on the buildings, engine, lumber, hardware, varnish, machinery and every other thing in connection with said building and business, and will insure and keep insured during the continuance of this loan the building, machinery, etc., to the extent of the said loan in favor of the corporation, as set forth in his proposal, hereinbefore set forth, and in addition to the above mentioned security will give a mortgage on four acres of land adjoining the site on which the factory is to be erected.

And whereas it has been determined to borrow the said sum of \$16,000.00 upon debentures repayable by annual instalments during the period of ten years, and it will be necessary to raise by special rate in each of said years the sums for principal and interest respectively hereinafter set forth, for the purpose of paying the said debt and interest thereon at the rate of four per cent. per annum ;

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, is \$122,695.00 ;

And whereas the amount of the existing debenture debt of the said village of Tottenham is the sum of \$3,300.00, and none of the same nor the interest thereon is in arrear ;

And whereas the said Municipal Council deems it necessary to submit this by-law to the vote of the duly qualified ratepayers of the said village ;

Now, therefore, the Municipal Council of the Corporation of the village of Tottenham enact as follows :

1). That after the said James Steele shall have entered into a binding contract with said Municipal Corporation to carry out and perform on his part the agreements and stipulations to be performed on his part, which said agreement shall be registered in the Registry Office of the county of Simcoe, and it shall be declared by the Act of the Legislature or the Province of Ontario hereinbefore mentioned that the said machinery and plant, engine, lumber, varnish and hardware are to be considered real estate and not to come under the operation of the Act respecting Bills of Sale and Chattel Mortgages so that no instrument respecting them shall need to be registered in the Office of the Clerk of the County Court of the County of Simcoe.

(2). It shall and may be lawful for the said Municipal Council to assist the said James Steele by paying the cost of the land occupied by the said factory as a site for said furniture factory and other buildings and premises, the price to be paid for said site not to exceed \$200.00.

(3). The said lands and the buildings, (not including residences), and the machinery and plant and other personal property of the said James Steel and his successors shall be exempt from payment of all taxes and rates assessable for said municipality for any purpose whatsoever, (other than school taxes and local improvements), for a period of ten years from the 31st December, 1899, provided that said James Steele or his successors shall have so long continued to carry on his or their business on said premises.

(4). That the Reeve of the said village may borrow on the credit of the said Corporation of the said village of Tottenham the sum of \$16,000.00 and may issue debentures bearing the same date as that on which the Act legalizing this by-law shall come into force, for said amount in sums of not less than \$500.00 each, which shall be signed by the Reeve and countersigned by the Treasurer of said village and be made payable by annual instalments during the term of ten years, with interest at the rate of

of four per cent, payable yearly at the office of George P. Hughes, Banker, Tottenham, the coupons for interest to be signed by said Treasurer.

(5). For the purpose of repaying the said sum of \$16,000.00 and interest, as aforesaid, there shall be raised and levied during each year of said period of ten years by special rate upon all property of said municipality, liable therefor, over and above all other rates, whatsoever, the sum of \$1,972.65, the respective amounts of principal and interest during each of said years being as follows, to wit, the first day of March in each year.

Year.	Principal.	Interest.	Total.
1901.....	\$1,332 65	\$640 00	\$1,972 65
1902.....	1,385 72	586 93	1,972 65
1903.....	1,441 40	531 25	1,972 65
1904.....	1,499 05	473 60	1,972 65
1905.....	1,559 02	413 63	1,972 65
1906.....	1,621 38	351 27	1,972 65
1907.....	1,686 23	286 42	1,972 65
1908.....	1,753 68	218 97	1,972 65
1909.....	1,823 83	148 82	1,972 65
1910.....	1,896 78	75 87	1,972 65

(6). That the vote of the electors of the said village qualified to vote on the present by-law be taken by the Clerk, George P. Hughes, as Returning Officer on Monday, 11th December, 1899, commencing at the hour of nine in the forenoon and continuing until five in the afternoon, at the Town Hall in the village of Tottenham.

(7). That on Friday, the 8th day of December, 1899, at the hour of 7 o'clock in the afternoon, at the office of the Clerk of the said village, on Queen Street, the Reeve shall appoint in writing two persons to attend the final summing up of the votes by the Clerk, and one person to attend the poll on behalf of persons interested in and desirous of promoting the passing of this by-law, and one person on behalf of the persons interested in and desirous of opposing the passing of this by-law.

(8). That the Clerk of the Municipal Council of said village shall attend at his office on Queen Street in said village immediately after the closing of the poll and sum up the number of votes given for and against this by-law.

(9). This by-law shall not come into force and effect until an Act is passed by the Legislature of the Province of Ontario sanctioning and legalizing the same.

(10). This by-law shall come into force and take effect on the passing of the said Act sanctioning and legalizing the same.

This by-law was passed at a regular open meeting of the Municipal Council of the said village of Tottenham, this                      day of December, A.D., 1899.

WM. HAMMELL, Reeve.

G. P. HUGHES, Clerk.

## SCHEDULE B.

(Section 3.)

This agreement made in triplicate this                      day of April, 1900, between James Steel, of the city of Montreal, in the Province of Quebec, wholesale furniture dealer, of the first part, and the Corporation of the Village of Tottenham, in the County of Simcoe, hereinafter called "the corporation," of the second part.

Whereas the said James Steel has proposed to the said Corporation to erect a furniture factory in the Village of Tottenham, subject to certain conditions hereinafter set forth, and

Whereas

Whereas the said Corporation has obtained the consent of the duly qualified ratepayers of the said Village and subject to the approval of the Legislature of the Province of Ontario, have agreed to advance the sum of \$15,000 for the erection and equipment of the said factory, subject to the conditions hereinafter set forth.

Now this agreement witnesseth,

1. The said James Steel agrees first to build and equip a furniture factory for home and export trade, said building to be a two story high, solid brick building, 50x100 feet, with three annex suitable buildings, 25x50 feet each, of a cheaper construction, or 75x125 feet, three story high, with one such annex building.

2. Fully equip and furnish said factory with a seventy-five horse-power engine and all other best modern machinery necessary to manufacture and to carry on export trade of furniture, and to leave at said factory at least three thousand dollars' worth of lumber and two thousand dollars worth of hardware and varnish, besides the other necessary materials and tools and machinery to be used in the carrying out of said enterprise.

3. To give as security for the loans hereinafter mentioned his own personal bond and upon the completion of the works a first mortgage on the said buildings, engine, lumber, hardware, varnish, machinery and furniture and every other thing in connection with said buildings and business. To insure buildings, machinery, etc., to the extent of loan in favor of Corporation.

4. To lose no time in the erection, completion and furnishing of said buildings and put the same into operation as soon as completed, and to always keep employed at work in said buildings during the ten years hereinafter referred to from thirty-five to fifty men.

In consideration of the foregoing the said Corporation agrees :

1. To grant a free site of about two acres of land in a location in the Village where a railway siding can be put in from the main railway line, the said site to be levelled and siding graded.

2. Give the said James Steel a loan of \$10,000 for ten years without interest, \$1,000 of it to be paid back annually until paid, and also a loan of \$5,000 to bear interest at four per cent. per annum, payable in ten equal annual payments with interest as aforesaid.

3. To exempt from taxation the said buildings, contents and business for the said period of ten years.

4. To give the said James Steel the privilege of paying back the said \$10,000 and \$5,000 and interest any time after the expiration of one year after the said factory will be in operation and reserve any right as to exemption from taxation.

5. To grant the said James Steel a deed of conveyance of said land, factory, machinery, etc., whenever all of the said loans and interest has been fully repaid.

In witness whereof the parties have hereinto set their hands and seals on the day and year first hereinbefore written.

Witness to the signature of James Steel,  
 SUMUEL J. SUCK,  
 Clerk, 117 Temple Bldg., Montreal.  
 FRED. H. MARKEY,  
 Advocate, Montreal.

JAMES STEEL.

Witness as to execution of William  
 Hammel, Reeve,  
 GEOR. P. HUGHES,  
 Clerk.

WM. HAMMELL,  
 Reeve.



## CHAPTER 105

## An Act respecting the Town of Wallaceburg.

*Assented to 30th April, 1900.*

**W**HEREAS the Corporation of the Town of Wallaceburg Preamble. has by Petition represented that the said corporation has incurred a floating debt of \$25,000 arising from extraordinary expenditure in repairing bridges, constructing granolithic walks and other public improvements of a permanent character, and to liquidate the said floating debt forthwith in addition to the ordinary annual expenditures and burdens, would be unduly oppressive to the ratepayers; and whereas the said corporation have by their said petition further represented that on the 29th day of May, 1899, the council of the said corporation submitted to the ratepayers a certain By-law, number 57, which is set forth as Schedule A to this Act authorizing the borrowing of the said sum of \$25,000 repayable in twenty equal annual instalments for the purpose of liquidating the said floating debt which said By-law was duly carried and was subsequently passed by the said council, and whereas the said corporation have by their petition prayed that an Act may be passed to confirm and legalize the said by-law and to authorize the borrowing of the sum of \$25,000 as therein provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said By-law number 57 of the Municipal Corporation of the Town of Wallaceburg set forth in full in Schedule A to this Act, is hereby declared legal, valid and binding upon the said municipal corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form in the said by-law or in the manner of passing the same. By-law 57, Wallaceburg.

2. It shall be lawful for the said the Municipal Corporation of the Town of Wallaceburg to raise by way of loan the sum of \$25,000 on the credit of the debentures issued or to be issued under and pursuant to the provisions of the said by-law and repayable in the manner and at the times therein provided. Authority to issue debentures.

Application of  
proceeds of  
loan.

3. The said debentures and all moneys arising therefrom shall be applied by the said Corporation in payment of the said floating debt of \$25,000 and in no other manner and for no other purpose whatsoever.

## SCHEDULE A.

(Section 1.)

### BY-LAW No. 57.

A by-law for the purpose of consolidating the floating debt of the Town of Wallaceburg and to provide money for the construction of granolithic walks and repairing bridges and other improvements.

Whereas it is expedient and thought necessary by the council of the corporation of the town of Wallaceburg to raise by way of debentures a certain sum of money to pay off the now existing floating debt of the town of Wallaceburg and also to provide money to be expended in constructing permanent granolithic walks and repairing bridges and other improvements.

And whereas the present floating debt amounts to the sum of \$17,125 and it is the purpose of the council by and with the consent of the rate-payers to expend the sum of \$5,000 upon the streets of the town of Wallaceburg by constructing granolithic walks and \$2,875.00 for repairing bridges and other improvements.

And whereas it is deemed expedient for the purposes aforesaid to raise by way of debentures the sum of \$25,000 to be repaid in twenty equal annual instalments including interest and that said debentures shall bear interest at the rate of 4 per cent. per annum and that each instalment of principal and interest shall be of such amounts that the aggregate amount payable in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

And whereas it will require the sum of \$1,839.55 to be raised annually from all the rateable property during the currency of said debentures for paying said debt and interest.

And whereas the amount of the whole rateable property of the said town of Wallaceburg according to the last revised assessment roll of said town being for the year 1899 amounts to \$513,900.

And whereas the existing debenture debt of the municipality of the corporation of the town of Wallaceburg amounts to \$48,474.15 and that no part of the principal and interest is in arrears of which debenture debt the sum of \$10,057.08 consists of public school debentures.

Now therefore the municipal council of the corporation of the town of Wallaceburg enacts as follows :—

1. That the sum of twenty-five thousand dollars shall be raised by way of loan from some person or persons or body corporate who may be willing to advance the same for the purposes hereinbefore recited and that the said sum and interest at the rate of 4 per cent. per annum shall be repaid in twenty equal annual instalments of \$1,839.55 each including interest.

2. That for the purposes aforesaid and for securing the said sum of twenty-five thousand dollars and interest, the mayor of the said town of

Wallaceburg

Wallaceburg is hereby authorized for and on behalf of the corporation of Wallaceburg to cause to be issued debenture in the sum of not less than one hundred dollars each and cause the seal of said corporation to be attached thereto and that such debentures shall be signed by the mayor and countersigned by the treasurer of the municipality and that said debentures shall have coupons attached thereto for the payment of interest.

3. That said debentures shall be payable respectively in twenty equal annual instalments including interest of \$1,839.55 each from the day hereinafter mentioned for this by-law to take effect upon presentation at the Bank of Montreal at Wallaceburg.

4. There shall be raised and lieved in each year by special rate upon all the rateable property in the said corporation of the town of Wallaceburg a sum sufficient to discharge each debenture and interest coupon as the same shall become due and payable.

5. That this by-law shall take effect on the 15th day June, A.D., 1899.

6. That for the purpose of taking the vote on this by-law St. James' and St. George's wards shall be united.

7. The votes of the ratepayers entitled to vote on by-laws in the corporation of the town of Wallaceburg shall be taken on this by-law at the following time and places that is to say on Monday, the 29th day of May, 1899, when a poll will be opened at the hour of nine o'clock in the forenoon and continued open till five o'clock in the afternoon of the same day in the following named places :

In St. George's Ward at the fire hall which will include St. James' and St. George's Wards, H. E. Johnson Deputy Returning Officer.

In St. Andrew's Ward at the Town Hall, N. H. Beattie Deputy Returning Officer.

8. On Saturday the 27th day of May, 1899 the mayor shall attend at the clerk's office at 8 o'clock p m. to appoint persons to attend the polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

9. The clerk of the council of the corporation of Wallaceburg shall attend in his office in the said corporation at ten o'clock in the forenoon of Tuesday the 30th day of May, 1899, and sum up the number of votes gived for and against the by-law.

Passed in open council this 13th day June, A.D., 1899.

(Sgd.) H. E. JOHNSON,  
Clerk.

(Sgd.) D. A. GORDON,  
Mayor.



## CHAPTER 106

## An Act respecting the Town of Welland.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Welland has by its petition prayed that an Act might be passed to extend the corporate limits of the said town by taking in certain territory adjacent thereto and being a portion of the Township of Crowland, in the County of Welland; and whereas there has been no opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Limits  
extended.

1. The limits of the Town of Welland, in the County of Welland, are hereby extended to comprise, and the said town shall hereafter comprise, that certain portion of the Township of Crowland, in the County of Welland, bounded on the east by the allowance for road between lots twenty-two and twenty-three in the sixth and seventh concessions of the said Township of Crowland, on the south by the township line between the Townships of Crowland and Humberstone, on the west by the Welland Canal, and on the north by the southern boundary of the said Town of Welland, and being composed of lots twenty-three, twenty-four, twenty-five and that part of twenty-six east of the Welland Canal in the sixth and seventh concessions of the said Township of Crowland, and all of the provisions of the general laws of this Province relating to the annexation of territory to a town shall apply as if the territory hereinbefore described had been annexed to the Town of Welland under the provisions of *The Municipal Act*.

Rev. Stat.  
c. 223.

When sec. 1  
shall come  
into force.

2. Section 1 hereof shall not go into effect until approved by Order of the Lieutenant-Governor in Council nor until a date to be named in a proclamation by the Lieutenant-Governor in Council in the *ONTARIO GAZETTE*.

## CHAPTER 107

An Act respecting By-Law No. 127 of the Town of  
Wiarton.*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Council of the Corporation of the town of Wiarton has by petition represented that the said corporation duly passed a by-law, intituled "By-law No. 127, a by-law for granting a bonus for the promotion of the establishment of beet sugar manufacturing works within the limits of the Corporation of the Town of Wiarton", a true copy of which is set forth in Schedule "A" to this Act, which by-law provides for the payment by the said corporation to the Owen Sound Sugar Manufacturing Company, (Limited), now known as "The Wiarton Sugar Manufacturing Company, (Limited)", by way of bonus of the sum of \$800, during each year, for the term of six years and the granting to them of exemption from taxes, except school taxes, for the term of ten years, upon and subject, among other conditions in the said by-law expressed, to the following conditions, viz.:—That the said company shall erect necessary and substantial buildings of brick or stone, suitable for the manufacture of sugar, of the value, with the plant of at least \$20,000, on certain lands within the Town of Wiarton, to be purchased and hereafter conveyed to the said Wiarton Sugar Manufacturing Company, (Limited), upon the performance of certain conditions precedent, more particularly set forth in said by-law, and shall also erect or place a plant and machinery in said buildings suitable for said business, and capable of manufacturing one hundred tons of beets into sugar per day, and have the same in full operation, employing therein at least fifty men, besides women and children; and also for the conveyance by the said Corporation of the Town of Wiarton to the Owen Sound Sugar Manufacturing Company, (Limited), now the Wiarton Sugar Manufacturing Company, (Limited), as aforesaid, of certain lands and premises, more particularly described in the Schedule to the said by-law, upon the performance of certain conditions precedent, more particularly set forth in said by-law, and for the issuing of debentures of the municipality to the amount of \$400, to provide for the purchase of said lands, as in said by-law set forth and expressed; and whereas the said by-law was submitted to the vote of the ratepayers entitled to vote on money by-laws, as provided by *The Municipal Act*, and two hundred and six of the ratepayers, qualified to vote as aforesaid, voted in favour of the said by-law, and only fifteen of such ratepayers voted against the said by-law; and whereas it is

Preamble.

represented.

represented that of the remaining two hundred and six ratepayers, qualified to vote as aforesaid, who did not vote on said by-law, nine were dead at the date of the voting thereon, and sixty-five or more were not resident in the municipality at the time, and others were prevented by circumstances from voting, and that there was in reality a large majority of such ratepayers qualified to vote as aforesaid, and who did not vote, in favour of the said by-law, so that although the number of ratepayers voting in the affirmative on the said by-law was less than two-thirds of the qualified ratepayers required by the repealed provisions of "*The Municipal Amendment Act, 1888*," respecting by-laws for granting aid to industrial enterprises, yet there were many more than two-thirds of such qualified ratepayers in favour of said by-law; and whereas in all other respects the said by-law is within the terms of the said repealed provisions; and whereas it is further represented that there is no industry established within the limits of the Town of Wiarton for the manufacture of beets into sugar, nor any similar industry within the Province of Ontario, and that such an industry would be of material advantage to the Town of Wiarton in affording employment to a large number of hands and otherwise, and would also be a benefit to the farming community of the province; and whereas it is also represented that in the event of the said by-law being legalized and confirmed, it would be a saving of expense, after registration thereof, to have the same promulgated by the publication in the "*The Wiarton Echo*" newspaper of the notice thereof, required by section 376 of *The Municipal Act*, without the publication again of a true copy of the said by-law, but with proper reference thereto; and whereas the said Corporation of the Town of Wiarton has prayed that the said by-law may be legalized and confirmed, and that the said corporation may make an agreement with the Wiarton Sugar Manufacturing Company, (Limited), for the performance of the conditions of said by-law as therein expressed, and that the same may be declared legal and valid, and that the said By-law may be promulgated in the manner aforesaid; and whereas it is expedient to grant the prayer of said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
127 granting  
bonus to sugar  
works con-  
firmed.

1. By-law No. 127 of the Corporation of the Town of Wiarton, intituled as in the preamble to this Act and set out in Schedule "A" to this Act is hereby legalized and confirmed and declared to be valid and binding upon the said municipality from the time of the passing thereof to all intents and purposes, notwithstanding any want of power or jurisdiction in the said municipal council to pass the said By-law, and notwithstanding any defect in substance or in form of the said By-law or in the manner of passing the same, and the said Corporation is declared to be authorized by the said

By-law



By-law to enter into an Agreement or bond with the Owen Sound Sugar Manufacturing Company, (Limited), now known as the "Wiarion Sugar Manufacturing Company, (Limited)," for the purposes and objects and upon the terms and conditions in said By-law set forth, and to grant aid by way of a bonus to the said Company for the promotion of the establishment of beet sugar manufacturing works within the limits of the said Town of Wiarion to the extent of \$800 for each year for the term of six years, upon the terms and conditions in said By-law expressed, and to issue debentures therefor as in said By-law set forth, and to grant the said Company exemption from taxes, except school taxes, for the term of ten years, as in said By-law expressed, and to convey to the said Company upon the terms and in the manner set forth in said By-law the land and premises mentioned and described in the Schedule to the said By-law, and to issue debentures to the extent of \$400 for the purchase of said lands as in said By-law set forth, and to do such other matters and things as are specifically set forth in the said By-law.

2. The said By-law shall be registered after the passing of this Act, and the same may be promulgated by the publication in "*The Wiarion Echo*" newspaper of the notice required by Section 376 of "*The Municipal Act*," without the publication again of a true copy of the said By-law, but containing a reference in suitable terms to the dates of the publication of the By-law before its submission to the ratepayers qualified to vote on money By-laws.

Registration  
and promulga-  
tion of By-law.

## SCHEDULE A.

### BY-LAW No. 127.

A by-law for granting a bonus for the promotion of the establishment of beet sugar manufacturing works within the limits of the corporation of the town of Wiarion.

Whereas, the Owen Sound Sugar Manufacturing Company, (Limited), have proposed to establish a factory for the manufacture of sugar from the sugar beet, within the limits of the corporation of the town of Wiarion, and to expend upon the necessary buildings the sum of not less than \$20,000, and to place therein a plant and machinery capable of manufacturing at least one hundred tons of beets into sugar, per day, and in consideration of their carrying out such proposal the corporation of the town of Wiarion have agreed by way of bonus for the promotion of said sugar manufactory to procure and convey to them the land hereinafter described, within the limits of the corporation of the town of Wiarion, and to pay them the sum of \$800.00 during each year for the term of six years, and to grant them exemption from taxes, except school taxes, for the term of ten years, upon and subject to the following conditions:—

(1) The Owen Sound Sugar Manufacturing Company (Limited), hereinafter called "the company," shall, immediately after this by-law has received the assent of the rate-payers, enter into a bond to the corporation of the town of Wiarion, hereinafter called "the corporation," conditioned that in case the company shall fail to erect said buildings and commence operations in the town of Wiarion before January 1st, 1901, then the company will purchase the said five acres of land from the corporation at the same price as the corporation has paid for the same, such bond to be to the satisfaction of the municipal council of the corporation.

(2)

(2) The company shall thereafter be let into possession of the said five acres of land as soon as they procure their charter of incorporation to be amended by changing the name of the company from "The Owen Sound Sugar Manufacturing Company (Limited)" to "The Wiarton Sugar Manufacturing Company (Limited)," or to the like effect, with head offices at Wiarton.

(3) Provided that the hereinafter agreement has been executed by the company, the said lands shall be conveyed to the company immediately after, and the first payment of \$800.00 made to the company within one year after, necessary and substantial buildings of brick or stone, suitable for the business of manufacturing sugar, of the value of at least \$20,000, have been erected on said lands, and also a plant and machinery, suitable for said business and capable of manufacturing one hundred tons of beets into sugar, per day, placed therein; and also the same is in full operation employing therein at least fifty men, besides women and children.

(4) The company shall enter into a written agreement with the corporation:

(a) To employ and keep employed during at least six months in each year at least fifty men, besides women and children, and

(b) Not to lease, or sell, or allow to be occupied, save by the company or their employees, any portion of the lands aforesaid, without the consent of the municipal council of the corporation, during a period of six years from the time the said lands are conveyed to the company;

And that on failure in performance, or breach of any one or more of the said conditions, the company shall forfeit all right to any further payments of said bonus, and the said lands and buildings shall at once cease to be exempt from taxation.

Provided that in case of a total failure of the beet crop in any one year the company shall be relieved from complying with covenant (a) during said year, except that should the factory, for that reason, be in operation for less than two months in any one year, the payment of \$800.00 shall not be made to the company for that year.

And whereas in order to provide for the purchase of the lands to be conveyed as aforesaid to the Owen Sound Sugar Manufacturing Company (Limited), it will be necessary to issue debentures of this municipality for the sum of \$400.00, payable as hereinafter provided.

And whereas, for the first annual payment of \$800.00 bonus hereinafter mentioned, it may be necessary to issue debentures of this municipality for the further sum of \$800.00, payable as hereinafter provided.

And whereas, for the second annual payment of \$800.00 bonus hereinbefore mentioned, it may be necessary to issue debentures of this municipality for the further sum of \$800.00, payable as hereinafter provided.

And whereas, for the third annual payment of \$800.00 bonus hereinbefore mentioned it may be necessary to issue debentures of this municipality for the further sum of \$800.00, payable as hereinafter provided.

And whereas, for the fourth annual payment of \$800.00 bonus hereinbefore mentioned, it may be necessary to issue debentures of this municipality for the further sum of \$800.00, payable as hereinafter provided.

And whereas, for the fifth annual payment of \$800.00 bonus hereinbefore mentioned, it may be necessary to issue debentures of this municipality for the further sum of \$800.00, payable as hereinafter provided.

And whereas, for the sixth annual payment of \$800.00 bonus hereinbefore mentioned, it may be necessary to issue debentures of this municipality for the further sum of \$800.00, payable as hereinafter provided.

And whereas it will be requisite to raise by special rate for paying the debentures of \$400 hereinbefore first mentioned and interest thereon, the sum of \$31.00 annually during the currency of such debentures.

And whereas it will be requisite to raise by special rate for paying the debentures of \$800.00 hereinbefore secondly mentioned and interest thereon, the sum of \$68.80 annually during the currency of such debentures.

And whereas it will be requisite to raise by special rate for paying the debentures of \$800.00 hereinbefore thirdly mentioned and interest thereon, the sum of \$71.70 annually during the currency of such debentures.

And

And whereas it will be requisite to raise by special rate for paying the debentures of \$800.00 hereinbefore fourthly mentioned and interest thereon, the sum of \$74.05 annually during the currency of such debentures.

And whereas it will be requisite to raise by special rate for paying the debentures of \$800.00 hereinbefore fifthly mentioned and interest thereon, the sum of \$78.85 annually during the currency of such debentures.

And whereas it will be requisite to raise by special rate for paying the debentures of \$800.00 hereinbefore sixthly mentioned and interest thereon, the sum of \$83.25 annually during the currency of such debentures.

And whereas it will be requisite to raise by special rate for paying the debentures of \$800.00 hereinbefore seventhly mentioned and interest thereon, the sum of \$88.40 annually during the currency of such debentures.

And whereas the amount of the whole rateable property of this municipality is \$401,545.00 according to the last revised assessment roll.

And whereas the amount of the existing debenture debt of this municipality is \$55,124.94, no part of which, either for principal or interest, is in arrears.

Be it therefore enacted, and it is hereby enacted, by the Municipal Council of the Town of Wiarton, as follows:—

(1) It shall be lawful for the corporation of the said Town of Wiarton, for the purpose of purchasing the lands to be conveyed as aforesaid to The Owen Sound Sugar Manufacturing Company, Limited, their successors or assigns, to issue debentures of the said municipality to the amount of four hundred dollars, in sums of not less than one hundred dollars each, payable at the end of twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on the said debentures to be payable yearly, and coupons therefor to be attached to said debentures.

(2) It shall be lawful for the corporation of the said Town of Wiarton, for the purpose of paying the first annual payment of \$800.00 bonus hereinbefore mentioned, to issue debentures of the said municipality to the amount of eight hundred dollars, in sums of not less than one hundred dollars each, payable in seventeen years from the date thereof and within twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable yearly, and coupons therefor to be attached to said debentures.

(3) It shall be lawful for the corporation of the said town of Wiarton, for the purpose of paying the second annual payment of \$800.00 bonus hereinbefore mentioned, to issue debentures of the said municipality to the amount of eight hundred dollars, in sums of not less than one hundred dollars each, payable in sixteen years from the date thereof and within twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debenture to be payable yearly, and coupons therefor to be attached to said debentures.

(4) It shall be lawful for the corporation of the said Town of Wiarton, for the purpose of paying the third annual payment of \$800.00 bonus hereinbefore mentioned, to issue debentures of the said municipality to the amount of eight hundred dollars, in sums of not less than one hundred dollars each, payable in fifteen years from the date thereof and within twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable yearly, and coupons therefor to be attached to said debentures.

(5) It shall be lawful for the corporation of the said Town of Wiarton, for the purpose of paying the fourth annual payment of \$800.00 bonus hereinbefore mentioned, to issue debentures of the said municipality to the amount of eight hundred dollars, in sums of not less than one hundred dollars each, payable in fourteen years from the date thereof and within twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable yearly, and coupons therefor to be attached to said debentures.

(6)



(6) It shall be lawful for the corporation of the said Town of Wiarton, for the purpose of paying the fifth annual payment of \$800.00 bonus hereinbefore mentioned, to issue debentures of the said municipality to the amount of eight hundred dollars, in sums of not less than one hundred dollars each, payable in thirteen years from the date thereof and within twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable yearly, and coupons therefor to be attached to said debentures.

(7) It shall be lawful for the corporation of the said Town of Wiarton, for the purpose of paying the sixth annual payment of \$800.00 bonus hereinbefore mentioned, to issue debentures of the said municipality to the amount of eight hundred dollars in sums of not less than one hundred dollars each, payable in twelve years from the date thereof and within twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable yearly, and coupons therefor to be attached to said debentures.

(8) The said debentures as to principal and interest shall be payable at the office of the Treasurer of the Town of Wiarton.

(9) It shall be lawful for the Mayor of the municipality upon the taking effect of this by-law and upon the Owen Sound Sugar Manufacturing Company, Limited, entering into the bond hereinbefore mentioned, and he is hereby authorized and instructed, upon such taking effect of this by-law, and upon receiving such bond, to sign the debentures for \$400.00 authorized to be issued under the first enacting clause of this by-law, and to cause the same and the interest coupons attached thereto to be signed by the Treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, and upon receiving a valid conveyance of the lands hereinafter mentioned, to deliver such debentures when so signed and sealed to the person or persons making such conveyance of said lands, and upon receiving such conveyance the Mayor and clerk of said municipality are hereby authorized and instructed to convey the said lands by deed under the corporate seal of the said municipality to the said The Owen Sound Sugar Manufacturing Company, Limited, their successors and assigns, upon the fulfilment by the said The Owen Sound Sugar Manufacturing Company, Limited, their successors or assigns of the terms and conditions in that behalf hereinbefore recited.

(10) It shall be lawful for the Mayor of the said municipality upon the fulfilment by the said The Owen Sound Sugar Manufacturing Company, Limited, their successors or assigns of the terms and conditions in that behalf hereinbefore recited, and he is hereby authorized and instructed, upon such fulfilment thereof, to sign the debentures for eight hundred dollars hereby secondly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the Treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, upon the fulfilment by the said company, their successors or assigns of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said company, their successors or assigns.

(11) It shall be lawful for the mayor of the said municipality upon the fulfilment by the said company their successors or assigns of the terms and conditions in that behalf hereinbefore recited, and he is hereby authorized and instructed, upon such fulfilment thereof, to sign the debentures for eight hundred dollars hereby thirdly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, upon the fulfilment by the said company, their successors or assigns of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said company, their successors or assigns.

(12) It shall be lawful for the mayor of the said municipality upon the fulfilment by the said company, their successors or assigns of the terms and conditions in that behalf hereinbefore recited, and he is hereby authorized and instructed, upon such fulfilment thereof, to sign the debentures for eight hundred dollars hereby fourthly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, upon the fulfilment by the said company, their successors or assigns of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said company their successors or assigns.

(13) It shall be lawful for the mayor of the said municipality upon the fulfilment by the said company their successors or assigns of the terms and conditions in that behalf hereinbefore recited, and he is hereby authorized and instructed, upon such fulfilment thereof, to sign the debentures for eight hundred dollars hereby fifthly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, upon the fulfilment by the said company their successors or assigns of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said company, their successors or assigns.

(14) It shall be lawful for the mayor of the said municipality upon the fulfilment by said company their successors or assigns of the terms and conditions in that behalf hereinbefore recited and he is hereby authorized and instructed, upon such fulfilment thereof, to sign the debentures for eight hundred dollars hereby sixthly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the said company their successors or assigns of the said terms and conditions and such debentures when so signed and sealed shall be delivered to the said company their successors or assigns.

(15) It shall be lawful for the mayor of the said municipality upon the fulfilment by the said company their successors or assigns of the terms and conditions in that behalf hereinbefore recited, and he is hereby authorized and instructed, upon such fulfilment thereof, to sign the debentures for eight hundred dollars hereby seventhly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the Treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, upon the fulfilment by the said company their successors or assigns of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said company their successors or assigns.

(16) There shall be raised and levied by special rate on all the rateable property in the said municipality for payment of the interest on the debentures for \$400.00 mentioned in the first enacting clause of this by-law the sum of \$16.00 and for payment of the principal of said debentures the sum of \$15.00 during the currency of such debentures.

(17) There shall be raised and levied by special rate on all the rateable property in the said municipality for payment of the interest on the debentures for \$800.00 mentioned in the second enacting clause of this by-law the sum of \$32.00 and for payment of the principal of said debentures the sum of \$36.80 during the currency of such debentures.

(18) There shall be raised and levied by special rate on all the rateable property in the said municipality for payment of the interest on the debentures for \$800.00 mentioned in the third enacting clause of this by-law the sum of \$32.00 and for payment of the principal of said debentures the sum of \$39.70 during the currency of such debentures.

(19) There shall be raised and levied by special rate on all rateable property in the said municipality for payment of the interest on the debentures

debentures for \$800.00 mentioned in the fourth enacting clause of this by-law the sum of \$32.00 and for payment of the principal of said debentures the sum of \$43.05 during the currency of such debentures.

(20) There shall be raised and levied by special rate on all the rateable property in the said municipality for payment of the interest on the debentures for \$800.00 mentioned in the fifth enacting clause of this by-law the sum of \$32.00 and for payment of the principal of said debentures the sum of \$46.85 during the currency of such debentures.

(21) There shall be raised and levied by special rate on all the rateable property in the said municipality for payment of the interest on the debentures for \$800.00 mentioned in the sixth enacting clause of this by-law the sum of \$32.00 and for payment of the principal of said debentures the sum of \$51.25 during the currency of such debentures.

(22) There shall be raised and levied by special rate on all the rateable property in the said municipality for payment of the interest on the debentures for \$800.00 mentioned in the seventh enacting clause of this by-law the sum of \$32.00 and for payment of the principal of said debentures the sum of \$56.40 during the currency of such debentures.

(23) The company shall be during the period of ten years from the completion of the building as hereinbefore recited, exempt from the payment of all taxes (except school taxes).

(24) A poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon, on Tuesday the 9th day of May next at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, by the undermentioned deputy returning officers at the places undermentioned, namely: North ward, Town Clerk's office, John Machan Dep. Returning Officer; East ward, McClary's shop, S.  $\frac{1}{2}$  lot 14, E. B. S. D. C. F. Campbell Dep. Returning Officer; West ward, Council Chamber, T. C. Allen, Dep. Returning Officer.

(25) On Saturday the sixth day of May, 1899, the Mayor of the said town shall attend at the Council Chamber at twelve o'clock noon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in and promoting or opposing this by-law.

(25) The Clerk of the Council of the said town shall attend at the Council Chamber at the hour of twelve o'clock noon on the 10th day of May, 1899, and sum up the number of votes given for or against this by-law.

(27) This by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

Dated at the Town of Wiarton this 22nd day of May, 1899.

[L.S.] W. J. FERGUSON,  
Clerk.

S. A. PERRY,  
Mayor.

#### DESCRIPTION OF PROPERTY REFERRED TO IN THE FOREGOING BY-LAW.

All and singular those certain parcels or tracts of land and premises situate, lying and being in the Town of Wiarton, in the County of Bruce, and being composed of:

FIRSTLY:—All that part of park lot lettered "P" in the said town of Wiarton lying between Frank street and the marine allowance along the waters of Colpo's Bay.

SECONDLY:—Part of Park lot lettered "O" in the said Town of Wiarton more particularly described as follows:—Commencing at the point where the easterly boundary of said lot intersects the marine allowance along the waters of the Colpo's bay, thence southerly along said easterly boundary to the northerly boundary of Frank street, thence by a straight line in a north-westerly direction to the southerly boundary of the marine allowance aforesaid (such line to be so run as, with the easterly boundary of said lot and the southerly boundary of the marine allowance to enclose one and one-half acres of land), thence easterly along the southerly boundary of the marine allowance to the place of beginning; and

THIRDLY:—The road allowance between the above described parcels of land.



## CHAPTER 108

## An Act respecting the City of Windsor.

*Assented to 30th April, 1900.*

**W**HEREAS the Municipal Corporation of the City of Windsor has petitioned praying that an Act may be passed to remove all doubt as to the legality of and to confirm a by-law passed on the 21st day of August, 1899, by the Municipal Council of the said city, the qualified electors of the said city having previously in the usual manner approved of the said by-law, providing for the raising by way of loan the sum of \$200,000 in ten annual instalments of \$20,000 each with which to pave with macadam pavement, by a graduated and fixed plan extending over a period of ten years, the principal thoroughfares and other most commonly used streets of the said city, the same being severally mentioned and defined in the Schedules A and B to said by-law, but, for the reasons set out in the said petition, to change the year for the beginning and completion respectively of the several allotted annual portions of said paving and for the issue and sale of the debentures annually to be issued and sold under the provisions of said by-law, by advancing such year in each case twelve months farther forward, and also to authorize the issuing of the said debentures in such amounts respectively as with the interest thereon will aggregate a sum payable in any year equal to the amount payable in any other year during the currency of the said debentures; and whereas no opposition has been offered by or on behalf of any ratepayer of said city, or otherwise, to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions of section 2 hereof, by-law number 982 of the Municipal Corporation of the City of Windsor, intituled "A By-law to provide for the permanent improvement of the principal thoroughfares and other streets in the City of Windsor, and for other purposes therein mentioned," set out as Schedule A to this Act, is hereby confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof; and the said corporation of the City of Windsor is hereby authorized and empowered to issue debentures to the amount of \$200,000 in ten annual instalments of \$20,000 each for the purpose, and the proceeds thereof are to be expended in the manner, particularly

By-law 982,  
street im-  
provements,  
confirmed.

ticularly set out in the said by-law, and the debentures so issued are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof; and the said corporation is hereby empowered and required to begin, prosecute and complete all necessary acts for the full and proper carrying out of the several provisions of the said by-law.

When work to be begun and completed.

2. The year for the beginning and completion of each of the several portions of the pavement to be constructed under the provisions of the said by-law, as well as the year for the issuing, selling and maturing of the debentures to be issued thereunder, shall in every case be one year later than the year in said by-law fixed therefor, and the levying and collecting of the annual special rate to meet the said debentures and the interest thereon, shall in every case be concurrent with the currency of said debentures; and the debentures of each of the ten instalments of the total issue of \$200,000 shall be of the denomination set out in Schedule B to this Act.

## SCHEDULE A.

BY-LAW No. 982.

A BY-LAW TO PROVIDE FOR THE PERMANENT IMPROVEMENT OF THE PRINCIPAL THOROUGHFARES AND OTHER STREETS IN THE CITY OF WINDSOR, AND FOR OTHER PURPOSES THEREIN MENTIONED. PROVISIONALLY ADOPTED 19TH JUNE, 1899. FINALLY PASSED AUGUST 21ST, 1899.

Whereas it is deemed expedient and necessary in the interest of the municipality of Windsor as a whole, to adopt and establish an equitable and general plan or scheme for the permanent improvement of the principal thoroughfares and other most commonly travelled streets of said city under and according to which the said thoroughfares and other streets may, by a gradual and regular and settled method, be paved with what is known and understood as macadam pavement, the life of which pavement shall exceed twenty years,

And whereas it has been ascertained, after due and careful enquiry, that the sum of \$200,000 will be necessary and required to meet the cost of paving with macadam those parts of said thoroughfares and other streets most urgently needing improvement and which are severally particularly mentioned and defined in Schedule A hereto attached.

And whereas it is deemed to be for the best interests of said city that said sum of \$200,000 be raised by way of loan for said purpose; that the same be raised in ten annual instalments of \$20,000 each for and during a period of ten years beginning with and including the year 1899, as particularly set out in Schedule B hereto attached; and that the several and respective parts of said thoroughfares and other streets therein mentioned and defined under each year of said period of ten years be paved as aforesaid in the particular year of said period indicated and fixed therefore in said Schedule B.

And whereas it is necessary to authorize the borrowing of the said sum of \$200,000 for the aforesaid purpose, and the issuing of debentures in said amount for the payment thereof, and to regulate and settle the time and manner of borrowing said sum and of issuing of said debentures by annual instalments in such manner that only the one-tenth of said sum of \$200,000 shall be borrowed or raised, and debentures for only the said one-tenth of said sum shall be issued or negotiated, in any one year of said period of ten years for such purpose; and also to fix the rate of interest

est said debentures shall bear and the coupons to be attached to the said debentures :

And whereas it is deemed expedient to make the debentures issued under the authority of this by-law payable in annual instalments covering a period of not more than twenty years from and after the date of issue thereof respectively, that is to say : the \$20,000 of debentures to be issued in the year 1999 to be payable by equal annual instalments each year up to end including the year 1919 ; the \$20,000 of debentures to be issued in 1900 to be payable by equal annual instalments each year up to and including the year 1920, and so on in respect to each and every of the other said annual issues of said debentures :

And whereas it is necessary to make provision for the application of any portion of the said instalment of said \$20,000 in any year of the said period of ten years that may remain after the construction and completion of the amount of said paving allotted to and fixed for said year in said Schedule B, and also for any deficiency that may occur in the construction and completion of said allotted and fixed amount of paving in any year of said period :

And whereas it is necessary to determine generally the method of constructing said macadam pavement on said parts of said thoroughfares and other streets, and to settle the character of the several materials to be employed in the construction thereof :

And whereas it is deemed just and equitable to make provision for the construction of a pavement or pavements of materials other than such as are used in constructing the macadam pavement hereinafter provided for, upon any street or part of street mentioned and defined in Schedule A in the event of the owners of the assessable real property fronting or abutting upon any such street or part of street by a majority in number and representing more than one-half in assessed value of such property so fronting or abutting thereon petitioning the council of said city to pave the same with asphalt, brick or other desirable material rather than with macadam, and in such petition agreeing to be, for a period of ten years, specially assessed and to pay for so much of the cost of such other description of pavement as may be in excess of the cost of paving such street or part of street with macadam, such special assessment to be an equal sum per foot frontage or flankage of such real property in and during each of said ten years :

And whereas it will require to be raised annually for and during a period of twenty-nine years from and after the year 1899, over and above and in addition to all other rates upon all the rateable property of said municipality for the payment of the said debt and the interest thereon semi-annually at the rate of four per centum per annum as the same respectively become due and payable, the sums following, that is to say :—

	For Principal.	For Interest.	Total.
1st year .....	\$ 671 64	\$ 800 00	\$ 1,471 64
2nd " .....	1,370 15	1,573 13	2,943 28
3rd " .....	2,096 60	2,318 32	4,414 92
4th " .....	2,852 11	3,034 45	5,886 56
5th " .....	3,637 84	3,720 36	7,358 20
6th " .....	4,455 00	4,374 84	8,829 84
7th " .....	5,304 85	4,996 63	10,301 48
8th " .....	6,188 69	5,584 43	11,773 12
9th " .....	7,107 88	6,136 88	13,244 76
10th " .....	8,063 84	6,652 56	14,716 40
11th " .....	8,386 39	6,330 01	14,716 40
12th " .....	8,721 84	5,994 56	14,716 40
13th " .....	9,070 70	5,645 70	14,716 40
14th " .....	9,433 50	5,282 90	14,716 40
15th " .....	9,810 81	4,905 59	14,716 40
16th " .....	10,203 21	4,513 19	14,716 40
17th " .....	10,611 30	4,105 10	14,716 40
18th " .....	11,035 72	3,680 68	14,716 40
19th " .....	11,477 12	3,239 28	17,716 40
20th			



	For Principal.	For Interest.	Total.
20th year .....	\$11,936 16	\$2,780 20	\$14,716 36
21st " .....	10,941 97	2,302 75	13,244 72
22nd " .....	9,908 01	1,865 07	11,773 08
23rd " .....	8,832 70	1,468 74	10,301 44
24th " .....	7,714 39	1,115 41	8,829 80
25th " .....	6,551 35	806 81	7,358 16
26th " .....	5,341 79	544 73	5,886 52
27th " .....	4,083 85	331 03	4,414 88
28th " .....	2,775 59	167 65	2,943 24
29th " .....	1,415 00	56 60	1,471 60
	\$200,000 00	\$94,327 60	\$294,327 60

And whereas, the amount of the whole ratable property of the municipality, according to the last revised assessment roll thereof, is \$5,312,825 ;

And whereas, the amount of the existing debenture debt of the municipality, exclusive of local improvement debts secured by special rates or assessments, is \$612,381.32 ;

And whereas, this by-law will require to receive the assent of the qualified electors of the municipality ;

Therefore the corporation of the city of Windsor, by the council thereof, enacts as follows :

I. That it shall be lawful for the mayor and treasurer of the city of Windsor, for the time being, to raise by way of loan at the times and for the respective sums hereinafter mentioned, an aggregate sum of two hundred thousand dollars, that is to say, the sum of twenty thousand dollars each year for and during a period of ten years, beginning with and extending from the year 1899, for the purpose of improving by macadamizing the parts of the principal thoroughfares and other most commonly travelled streets of said city most urgently needing improvement, which said parts of said thoroughfares and other streets are particularly specified and shewn in the schedule marked A hereto attached and made part of this by-law : and to issue debentures therefor in sums of one thousand dollars each, according to and at the time and for the respective instalments of the said sum of two hundred thousand dollars that are herein authorized to be borrowed, namely, to issue debentures for said purpose to the amount of twenty thousand dollars, and no more, each year of the aforesaid period of ten years, beginning with and including the year 1899, which said debentures shall be so issued and made payable at the times following, that is to say :

Consecutive Issue.	No. of debentures of each consecutive issue.	Date of each issue.	Amount of each issue.	Date when the last debenture of each succeeding issue shall mature.
1	20	September 1st, 1899..	\$20,000	August 20th, 1919
2	20	do 1900..	20,000	do 1920
3	20	do 1901..	20,000	do 1921
4	20	do 1902..	20,000	do 1922
5	20	do 1903..	20,000	do 1923
6	20	do 1904..	20,000	do 1924
7	20	do 1905..	20,000	do 1925
8	20	do 1906..	20,000	do 1926
9	20	do 1907..	20,000	do 1927
10	20	do 1908..	20,000	do 1928
	200		\$200,000	

II. That the whole number of said debentures shall be prepared at the same time and deposited for safe keeping in some chartered bank until required

required from time to time, and shall be issued and sold each year of said period of ten years beginning with and including the year 1899 on or about the date of issue and for the amount each of said years settled in section one hereof; and when and only as sold, the said debentures shall be signed by the mayor and treasurer of the said municipality for the time being, and be sealed with the seal of the said corporation.

III. That the said debentures shall have printed across the face thereof the words "street improvement debentures," and have attached thereto coupons for the payment of the interest thereon semi-annually, which interest shall be at and after the rate of four per centum per annum.

IV. That the said debentures and coupons shall respectively be payable at the office in Windsor of the said treasurer.

V. That for the purpose of redeeming the said debentures and paying the interest thereon as the same respectively become due, an annual special rate over and above and in addition to all other rates sufficient to produce each year during the currency of the said debentures the sums following, that is to say:—

In the year 1900 the sum of .....	\$1,471 64
In the year 1901 the sum of .....	2,943 28
In the year 1902 the sum of .....	4,414 92
In the year 1903 the sum of .....	5,886 56
In the year 1904 the sum of .....	7,358 20
In the year 1905 the sum of .....	8,829 84
In the year 1906 the sum of .....	10,301 48
In the year 1907 the sum of .....	11,773 12
In the year 1908 the sum of .....	13,244 76
In the year 1909 the sum of .....	14,716 40
In the year 1910 the sum of .....	14,716 40
In the year 1911 the sum of .....	14,716 40
In the year 1912 the sum of .....	14,716 40
In the year 1913 the sum of .....	14,716 40
In the year 1914 the sum of .....	14,716 40
In the year 1915 the sum of .....	14,716 40
In the year 1916 the sum of .....	14,716 40
In the year 1917 the sum of .....	14,716 40
In the year 1918 the sum of .....	14,716 40
In the year 1919 the sum of .....	14,716 36
In the year 1920 the sum of .....	13,244 72
In the year 1921 the sum of .....	11,773 08
In the year 1922 the sum of .....	10,301 44
In the year 1923 the sum of .....	8,829 80
In the year 1924 the sum of .....	7,358 16
In the year 1925 the sum of .....	5,886 52
In the year 1926 the sum of .....	4,414 88
In the year 1927 the sum of .....	2,943 24
In the year 1928 the sum of .....	1,471 60

shall be raised, levied and collected in each of said years respectively, each year the sum hereinbefore set opposite such year beginning with the year 1900 and continuing down to and including the year 1928, upon all the rateable property of the municipality, which said rate shall be called "street improvement rate" and shall be levied and collected at the same time, in the same manner, and subject to the same conditions as to date of payment and penalty, as the other rates and taxes of the municipality are levied and collected.

VI. That subject to the provisions of section nine hereof the whole of the money borrowed as aforesaid shall be devoted to and expended in constructing macadam pavement upon the parts of the principal thoroughfares and other most commonly travelled streets particularly mentioned and defined in said schedule A, and shall be so expended in the particular years, in the exact sums, and only upon the precise parts of said thoroughfares and other streets particularly and specifically settled therefor in each case in schedule B hereto attached and made part of this by-law as much as if the the same were actually embodied herein. Provided, nevertheless, that if in any year of the said period of ten years the instalment of  
said

said loan apportioned to and allotted for such year in said schedule B. proves insufficient to complete the work according to said schedule to be done and completed in that particular year, the council of that year may, out of any other available fund, provide the additional sum necessary to complete said work, or, having no fund available for said purpose, shall do, prosecute and complete, in fair proportion in respect to each part thereof, so much of the said work as the sum fixed therefor as aforesaid will permit, and no farther. Provided further, that in the event of the instalment of said loan apportioned to and allotted for any year in said schedule B proving greater than the sum found to be necessary to complete the work according to said schedule to be completed in that year, the council of that year may in its discretion apply the excess of such instalment to the improvement of any street not mentioned in said schedule or add it to the instalment to be expended in any subsequent year of said period of ten years.

VII. That nothing herein contained shall be construed as curtailing nor shall it curtail the power of the council in any year during said period of ten years to pass a by-law or by-laws and to borrow money for the improvement of the roadway or streets or parts of streets other than such as are defined and mentioned in said schedules A and B.

VIII. That the pavement in this by-law called macadam is what is commonly understood by that term, namely, a roadway constructed upon a well compacted dirt foundation with broken stone of a suitable nature to be approved from time to time by said council, such stone to be broken into three sizes, respectively, three inches, two inches, and one inch, as nearly as may be, each size laid separately and thoroughly compacted, the larger size to be placed at the bottom, and the smaller size at the top of the work, the curbing on streets now paved to be retained, the life of which macadam pavement has been certified by the city engineer to be at least twenty years; and proper and sufficient machinery for expeditiously and efficiently making and completing said pavement shall be provided by said council without charge to or upon the money borrowed as aforesaid.

IX. That in the event of a majority of the owners of real property fronting or abutting upon that part of any thoroughfare or other street particularly mentioned and defined in the aforesaid schedules representing more than one-half in value thereof, desiring to have the same paved with asphalt, brick or other durable material rather than macadam, and not later than six months prior to the date when, according to said Schedule B, such part of such thoroughfare or other street is to be paved with macadam, shall, over their respective signatures, petition the said council to substitute upon such part of such thoroughfare or other street for macadam either of the aforesaid kinds of pavement, and in said petition shall agree in legal form to pay all the cost of such other kind of pavement over and above the cost of constructing macadam thereon, such payment to be made to the municipality by a special equal annual rate to be imposed upon said real property for and during a period of ten years from and after the completion thereof, it shall be the duty of said council for the time being to comply with the prayer of such petition by constructing the kind of pavement therein asked for and out of the then current year's instalment of the aforesaid loan contribute towards the cost thereof a sum equal to the sum a macadam pavement upon such portion of thoroughfare or other street would cost, the last named cost to be determined by the then ascertained cost of macadam per square yard upon other streets of a similar character, and to pass any by-law or by-laws that may be necessary to provide temporarily the amount of the said excess of cost and to levy and collect the same by annual instalments as aforesaid.

X. That it shall be the duty of, and it is hereby made obligatory upon, the council each year of the said period of ten years from and including the year 1899, to borrow the amount of money and issue debentures for the sums respectively provided for in and strictly according to the provisions of section one of this by-law, and to apply and expend all the money so borrowed in the manner hereinbefore directed, and also to levy and collect the aforesaid special rates; and the members of the council in each of the said years respectively shall individually be personally liable for.



for any neglect or violation of any of the duties or obligations of this by-law imposed upon the council of such year alike in respect to the borrowing and expenditure of said money, the issuing of said debentures, the passing of by-laws and the levying and collecting of said special rates.

XI. That the votes of the electors of said city will be taken on this by-law at the places and by the returning officers hereinafter mentioned on Monday the 17th day of July, 1899, commencing at the hour of nine of the clock in the forenoon and continuing until and closing at five of the clock in the afternoon of the said day, that is to say: For ward No. 1 at David Hook's house on the west side of Caron avenue, David Mitchell, Returning Officer; for ward No. 2, at J. G. Stewart's house, corner of London street and Dougall avenue, William Riddell, Returning Officer; for ward No. 3, at the City Hall, Richard Bailey, Returning Officer; for ward No. 4, at the house lately occupied by Charles White on the south side of Assumption Street, Jas. J. Reid, Returning Officer.

XII. That on the 10th day of July, 1899, at the city hall in said city at the hour of 10 of the clock in the forenoon, the said Mayor shall appoint in writing signed by himself two persons to attend at the final summing up of the votes as aforesaid by the clerk of the council, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

XIII. That on the 20th day of July, 1899, the clerk of the council shall, at the city hall in said city, at the hour of eleven of the clock in the forenoon, sum up the number of votes given for and against this by-law in presence of the persons appointed to attend thereat, or in presence of such of them as may then be present.

{ Seal. }

(Signed)

JOHN DAVIS,  
Mayor.  
STEPHEN LUSTED,  
Clerk.

(Signed)

## SCHEDULE A TO BY-LAW 982.

(Sections 1, 6, 7 and 9 of By-law.)

Shewing the parts of the principal thoroughfares and other most commonly travelled streets of the City of Windsor to be improved by constructing thereon a macadam pavement under the authority of By-law No. 982 provisionally adopted by the council of the said city on the 19th day of June, 1899, and submitted to the qualified electors for their assent:—

Names of thoroughfares and other streets.	Part to be paved with macadam.	
	Beginning at.	Ending at.
Sandwich street.....	Glengarry avenue.....	The easterly limit of the city.
Sandwich street.....	Canadian Pacific Railway bridge.....	The Michigan Central Railway bridge.
Pitt street .....	Windsor avenue .....	Ferry street.
Sandwich street.....	Glengarry avenue.....	Church street.
Ouellette street.....	Sandwich street.....	London street.
Howard avenue.....	Cataraqui street.....	Cemetery gate.

London

Names of thoroughfares and other streets.	Part to be paved with macadam,	
	Beginning at	Ending at
London street .....	Victoria avenue .....	Bruce avenue.
Ouellette street .....	London street .....	Wyandotte street.
London street .....	Bruce avenue .....	The westerly limit of the city.
Arthur street .....	Windsor avenue .....	Glengarry avenue.
Ferry street .....	Sandwich street .....	Chatham street.
Assumption street .....	Windsor avenue .....	Glengarry avenue.
Dougall avenue .....	Sandwich street .....	Wyandotte street.
Glengarry avenue .....	Sandwich street .....	Cataract street.
Janet avenue .....	Sandwich street .....	Wyandotte street.
Victoria avenue .....	Chatham street .....	Wyandotte street.
Ouellette street .....	Wyandotte street .....	Erie street.
Goyeau street .....	Sandwich street .....	Wyandotte street.
Goyeau street .....	Wyandotte street .....	The end of the present pavement.
Windsor avenue .....	Sandwich street .....	Wyandotte street.
Pitt street .....	Ferry street .....	Caron avenue.
London street .....	Ouellette street .....	Windsor avenue.
Wyandotte street .....	Ouellette street .....	Janet avenue.
Wyandotte street .....	Glengarry avenue .....	Ouellette street.
Aylmer avenue .....	Sandwich street .....	Wyandotte street.
Mercer street .....	Sandwich street .....	Wyandotte street.
Bruce avenue .....	Sandwich street .....	Wyandotte street.
Church street .....	Sandwich street .....	Wyandotte street.
Park street .....	Windsor avenue .....	Caron avenue.
Albert street .....	Central School .....	Glengarry avenue.
Chatham street .....	Windsor avenue .....	Caron avenue.
Wyandotte street .....	Parent avenue .....	Glengarry avenue.
Crawford avenue .....	Sandwich street .....	Wyandotte street.
Parent avenue .....	Sandwich street .....	Wyandotte street.
Louis avenue .....	Sandwich street .....	Wyandotte street.
Marentette avenue .....	Sandwich street .....	Wyandotte street.
Brant street .....	McDougall street .....	Glengarry avenue.
McDougall street .....	Sandwich street .....	Wyandotte street.
Wellington avenue .....	London street .....	Wyandotte street.
Wyandotte street .....	Janet avenue .....	Wellington avenue.
Caron avenue .....	Sandwich street .....	Wyandotte street.

Estimated aggregate length of aforesaid parts of streets, 15.70 miles.

(Signed)

JNO. DAVIS,  
Mayor.

## SCHEDULE B TO BY-LAW 982.

(Sections 6, 7 and 9 of By-law.)

Attached to and forming part of by-law No. 982, provisionally adopted by the council of the city of Windsor on the 19th day of June, 1899, and submitted for the approval of the electors of said city, shewing:—

1. The names and parts of the principal thoroughfares and other most commonly travelled streets of said city that are to be improved by constructing whereon a macadam pavement under the provisions of the said by-law;
2. The length and width of said pavement to be constructed upon each of said parts of said thoroughfares and streets respectively;
3. The estimated cost of each of the respective parts of said thoroughfares and other streets;
4. The respective parts of said thoroughfares and other streets as grouped together and allotted for each year's work for a period of ten years, beginning with and including the year 1899, and the estimated cost of each of said groups and allotments, including all expenses for engineering, printing and advertising and contingent charges; and
5. The particular year within which, in said groups and allotments, the said several parts of said thoroughfares and other streets respectively shall be paved.

Name of thoroughfare or other street to be paved.	Precise part of each thoroughfare or other street to be paved.		Length of Pavement in each part.	Width of Pavement in each part.	Estimated cost of paving each part.	Parts of thoroughfares and other streets as grouped together for the annual allotment of paving, and the estimated actual cost of each of such groups, including expenses.		The precise year in which each group shall be paved.
	Beginning at	Ending at				Composition of each group.	Estimated cost of each group.	
Sandwich street.....	Glengarry avenue.....	The easterly limit of the city	Feet. 4,056	Feet. 24	\$ 9,396 00	Group No. 1	\$ 20,000	1899
Sandwich street.....	Canadian Pac. R. bridge	The Michigan Central R B'dge	1,640	24	3,799 00			
Pitt street.....	Windsor avenue.....	Ferry street.....	1,425	36	45 00			
Sandwich street.....	Glengarry avenue.....	Church street.....	3,300	38	9,490 00	Group No. 2	20,000	1900
Ouellette street.....	Sandwich street.....	London street.....	840	50	3,304 00			
Howard avenue.....	Catarqui street.....	Cemetery gate.....	3,300	24	7,810 00			
London street.....	Victoria avenue.....	Bruce avenue.....	1,105	32	2,579 00			
Ouellette street.....	London street.....	Wyandotte street.....	1,400	32	3,266 00			



SCHEDULE B TO BY-LAW 982.—*Con.*

Name of thoroughfare or other street to be paved.	Precise part of each thoroughfare or other street to be paved.		Length of Pavement	Width of Pavement	Estimated cost of paving each part.	Parts of thoroughfares and other streets as grouped together for the annual allotment of paving, and the estimated actual cost of each of said groups, including expenses.		The precise year in which each group shall be paved.
	Beginning at	Ending at				Composition of each group.	Estimated cost of each group.	
			Feet.	Feet.	\$	c.		1901
London street	Bruce avenue	The westerly limit of the city	4,200	32	9,940	00	20,000	1901
Arthur street	Windsor avenue	Glengarry avenue	1,180	24	2,793	00		
Ferry street	Sandwich street	Chatham street	519	24	1,211	00		
Assumption street	Windsor avenue	Glengarry avenue	1,013	24	2,397	00		
Dougall avenue	Sandwich street	Wyandotte street	2,330	24	5,495	00	20,000	1902
Glengarry avenue	Sandwich street	Wyandotte street	2,584	24	6,029	00		
Janet avenue	Sandwich street	Cataqui street	2,500	24	5,916	00		
Victoria avenue	Sandwich street	Wyandotte street	1,704	24	4,008	00		
Ouellette street	Wyandotte street	Ernie street	2,000	32	4,666	00		
Goyeau street	Sandwich street	Wyandotte street	2,090	24	4,877	00	20,000	1903
Goyeau street	Wyandotte street	The end of the present pavement						
			2,767	24	6,457	00		
Windsor avenue	Sandwich street	Wyandotte street	2,100	24	4,923	00		
Pitt street	Ferry street	Caron avenue	1,850	24	4,355	00		
London street	Ouellette street	Windsor avenue	900	24	2,100	00	20,000	1904
Wyandotte street	Ouellette street	Janet avenue	1,970	24	3,700	00		
Wyandotte street	Glengarry avenue	Ouellette street	2,068	32	4,895	00		
Aylmer avenue	Sandwich street	Wyandotte street	1,870	24	4,426	00		
Mercer street	Sandwich street	Wyandotte street	1,900	24	4,496	00	20,000	1905
Bruce avenue	Sandwich street	Wyandotte street	2,450	24	5,731	00		
Church street	Sandwich street	Wyandotte street	2,380	24	5,575	00		

Park street.....	Windor avenue.....	Caron avenue.....	24	7,090 00	Group No. 8	20,000	1906
Albert street.....	Central school.....	Glengarry avenue.....	24	2,350 00			
Chatham street.....	Windor avenue.....	Caron avenue.....	24	7,605 00			
Wyandotte street.....	Parent avenue.....	Glengarry avenue.....	32	4,260 00			
Crawford avenue.....	Sandwich street.....	Wyandotte street.....	24	6,390 00			
Parent avenue.....	Sandwich street.....	Wyandotte street.....	24	3,786 00	Group No. 9	20,000	1907
Louis avenue.....	Sandwich street.....	Wyandotte street.....	24	3,993 00			
Marentelle avenue.....	Sandwich street.....	Wyandotte street.....	24	1,687 00			
Brant street.....	Sandwich street.....	Wyandotte street.....	24	1,650 00			
McDougall street.....	McDougall street.....	Glengarry avenue.....	24	1,836 00			
McDougall street.....	Sandwich street.....	Wyandotte street.....	24	4,662 00	Group No. 10	20,000	1908
Wellington avenue.....	London street.....	Wyandotte street.....	24	4,030 00			
Wyandotte street.....	Janet avenue.....	Wellington avenue.....	24	4,512 00			
Carson avenue.....	Sandwich street.....	Wyandotte street.....	24	5,960 00			
Total estimated cost, \$200,000.							

(Signed) JOHN DAVIS, Mayor.

## SCHEDULE B

(Section B.)

Shewing the denomination of the respective debentures of each of the ten annual issues of \$20,000 each authorized by by-law number 982 of the City of Windsor, and also the interest thereon payable each year during the currency of said debentures, together making the aggregate amount payable for principal and interest in each year of the period of 20 years :

	Amount of each consecutive Debenture.	Amount of inter- est on loan payable each year.	Aggregate of prin- cipal and inter- est payable each year.
Payable the 1st year .....	\$ 671 64	\$ 800 00	\$ 1,471 64
“ 2nd “ .....	698 51	773 13	1,471 64
“ 3rd “ .....	726 45	745 19	1,471 64
“ 4th “ .....	755 51	716 13	1,471 64
“ 5th “ .....	785 73	685 91	1,471 64
“ 6th “ .....	817 16	654 48	1,471 64
“ 7th “ .....	849 85	621 79	1,471 64
“ 8th “ .....	883 83	587 80	1,471 64
“ 9th “ .....	919 18	552 46	1,471 64
“ 10th “ .....	955 95	515 69	1,471 64
	Amount of each consecutive Debenture.	Amount of inter- est on loan payable each year.	Aggregate of prin- cipal and inter- est payable each year.
Payable the 11th year .....	\$ 994 19	\$ 477 45	\$ 1,471 64
“ 12th “ .....	1,033 95	437 69	1,471 64
“ 13th “ .....	1,075 31	396 33	1,471 64
“ 14th “ .....	1,118 31	353 33	1,471 64
“ 15th “ .....	1,163 04	308 60	1,471 64
“ 16th “ .....	1,209 56	262 08	1,471 64
“ 17th “ .....	1,257 94	213 70	1,471 64
“ 18th “ .....	1,308 26	163 38	1,471 64
“ 19th “ .....	1,360 59	111 05	1,471 64
“ 20th “ .....	1,415 04	56 60	1,471 64
	20,000 00	9,432 80	29,432 80



## CHAPTER 109

An Act to incorporate the Bracebridge and Trading  
Lake Railway Company.*Assented to 30th April, 1900.*

**W**HEREAS the persons hereinafter named and others and Preamble.  
the Municipal Councils of the Town of Bracebridge and the Townships of Macauley, McLean and Ridout, and Monck, all in the Territorial District of Muskoka have by their petition prayed for an Act of incorporation under the name of "The Bracebridge and Trading Lake Railway Company" for the purpose of constructing and operating a railway from a point in or near the Town of Bracebridge to some point in the Township of McLean at or near the unincorporated village of Baysville, a distance of about fourteen miles, with power to extend the same from the said Town of Bracebridge to some point on Muskoka Lake at or near Beaumaris in the Township of Monck all in the Territorial District of Muskoka, a distance of about ten miles, and it has been represented that the line of the railway of the company so to be incorporated, will, for the most part, be constructed in a sparsely settled part of the district, and be the means of opening up a large section of land along the shores of Trading Lake for occupation, for the manufacture and conveyance of timber, and as a place of summer resort for tourists, and it is proposed to operate the said railway by steam or electricity, or partly by steam and partly by electricity, and whereas owing to the location of the line of the said railway the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Samuel Henry Armstong, Samuel Bridgland, Alexander Peter Cockburn, Charles Mickle, Walter William Hinsey, James Incorporation.  
32 s. L. Fenn

L. Fenn, William S. Shaw, Peter Smith, Angus McLeod, Robert P. Perry, Arthur A. Mahaffy, John W. Gilpin, George Tutt, A. W. Hazlehurst, Francis P. Warne, John Ewart Lount, Elijah F. Stephenson, William H. Brown, Newton Langford, Angus McKay, George Howard, George Wilkins, David E. Bastedo, John Thomson, Peter Hutchinson, James D. Shier, James Anderson, George Yearley, Edward Prowse and such other persons and corporations, as shall, in pursuance of this Act become shareholders of the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic under the name of "The Bracebridge and Trading Lake Railway Company" and hereinafter called "the company."

Location of  
line.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, or partly by steam and partly by electricity, with single or double iron or steel tracks, from a point in the Town of Bracebridge to some point in the Township of McLean, at or near the unincorporated Village of Baysville, a distance of about fourteen miles, and to construct, extend and operate a continuation or branch of such railway from the said Town of Bracebridge to some point on Muskoka Lake at or near Beaumaris, in the Township of Monck, a distance of about ten miles, all in the District of Muskoka, and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along, upon and across such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the companies and the road companies (if any) interested in such highways, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act* and any Act or Acts amending the same.

Rev. Stat.,  
c. 223.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional  
directors.

4. The persons hereinbefore named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the company, of whom seven shall be quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock

stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the Town of Bracebridge, in the District of Muskoka, or at such other place as may best suit the interests of the company.

Rev. Stat.,  
c. 207.

6. Conveyances of lands to the company for the purposes of, and powers given by this Act made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance  
of land to  
company.

7. No subscription for stock in the capital of the company shall be binding on the company, unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions  
for stock,  
when binding.

8. The company may receive from any government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities

Aid to rail-  
way.



securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat., c.  
207.

**9.** The capital stock of the company hereby incorporated shall be \$150,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 3,000 shares of \$50 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the purchasing of the right of way, to the making, equipment, completion and working of the said railway, and to the other purposes of this Act, and until such preliminary expenses shall be paid out of the capital stock, the municipal corporation of any municipality, on or near the line of such works, may by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

First election  
of directors.

**10.** When and as soon as shares to the amount of \$15,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall on no account, be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said Town of Bracebridge, of the time, place and purpose of the said meeting.

Number of  
directors and  
quorum.

Rev. Stat., c.  
207.

**11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than seven nor more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon, and holds such stock absolutely in his own right. Qualification of directors.

**13.** The head office of the company shall be at the Town of Bracebridge and the general annual meeting of the shareholders of the said company shall be held in such place in the said Town of Bracebridge, on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said Town of Bracebridge during the four weeks immediately preceding the week in which such meeting is to be held. Annual meetings.

**14.** Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company and upon such notice as is provided in the last preceding section. Special general meetings.

**15.** At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder of the company and has paid up all calls upon the shares held by him. Proxies.

**16.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. Rights of aliens.

**17.** The directors may from time to time make calls as they think fit, provided that no calls shall be made at one time for more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice thereof shall be given of each call, as provided by section 13 of this Act; said calls not to be made at closer intervals than three months. Calls on stock

**18.** The provisional directors or the elected directors may pay, or agree to pay in paid-up stock, or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, Payments in stock or bonds.

terial, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Issue of bonds.

**19.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections.

Rev. Stat.  
c. 207.

Bonds, etc.,  
how payable.

**20.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of  
Bonds.

Negotiable  
Instruments.

**21.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted. Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Mortgaging  
or pledging  
bonds.

**22.** The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Agreements  
with other  
companies  
for leasing or  
hiring rolling  
stock.

**23.** It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons for leasing, hiring, or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons, for such  
time



time or times, and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Aid from municipalities.

24. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway or any part thereof, and for the purpose of constructing, working and protecting the said telegraph and telephone lines the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies* being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company. Provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Telegraph and telephone lines.

25. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree for a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

26. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of lands from any government, or from any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Gifts of lands.

27. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate may aid the said company, by giving money or debentures,

Aid from municipalities.

bentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Submitting  
bonus by-laws.

**28.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what  
to contain.

**29.** Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, Reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

**30.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court of the county or district objecting, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

Petition  
against aid  
from county.

**31.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county or district municipality.

"Minor municipality,"  
meaning of.

**32.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit to be  
made before  
by-law is sub-  
mitted.

**33.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Council to  
pass by-law if  
assented to by  
ratepayers.

**34.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Issue of  
debentures.

**35.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Levying rate  
on portion of  
municipality.



Application of provisions of Rev. Stat., c. 223.

**36.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend the time for commencement.

**37.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time, provided that no such extension shall be for a longer period than one year.

Councils may extend the time for completion.

**38.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

**39.** Any municipality, or portion of a township municipality, interested in the construction of the railway of the said company, may grant aid by way of bonus to the said company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Issue of debentures.

**40.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario. Provided that if the said heads of the municipalities shall refuse or neglect to name such trustees within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable

incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

**41.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company. *but* subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them, secondly, to deposit the debentures or amount realized from the sale thereof in some chartered bank having an office in the Province of Ontario in the name of "The Bracebridge and Trading Lake Railway Municipal Trust Account" and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of proceeds of debentures.

**42.** The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to trustees.

**43.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions thereof shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act of Ontario*, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course

Power to construct line in sections.

Rev. Stat c. 207.

course and direction, and of the lands intended to be passed over and taken and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

General powers.

Warehouses, docks, etc.

#### 44. The company shall have power and authority

(1) To purchase land for and erect powerhouses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold, as part of the property of the company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Erect necessary buildings etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway.

Powers as to production and use of electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company.

Lease or sell electricity not required for railway.

(4) To lease or sell any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Rev. Stat. c. 200.

Acquiring rights for conveying electricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected and between the company and



and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

45. (1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place in any municipality until first authorized by an agreement in respect thereto made between the company and such municipality and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Construction on streets, etc.

(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c. 223.

46. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole or any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lands.

Rev. Stat. c. 207.

47. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or and part thereof the said company may in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as

Acquiring materials for construction.

in

Rev. Stat.  
c. 207.

in case of acquiring the roadway, and the notice of arbitration, the award and tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject matter of this section, as to obtaining materials aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which such materials shall be taken, or for the right to take materials for any time they may think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits.

48. (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatsoever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat., c.  
207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat., c.  
207.

Power to erect  
snow fences.

49. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages, (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Agreements  
for lease of  
railway etc.

50. It shall be lawful for the company incorporated by this Act to enter into any arrangement with the Northern and Pacific Junction Railway Company, or the Grand Trunk Railway Company of Canada, if lawfully empowered to enter into such arrangement, for leasing to them the said railway, or any part thereof, and it shall further be lawful for the said company

pany to enter into any arrangements with the said Northern and Pacific Junction Railway Company or the said Grand Trunk Railway Company of Canada, if so lawfully authorized, for the working of the said railway, or for running powers over the same on such terms and conditions as the directors of the several contracting companies may agree on, or for the sale thereof, or for leasing and hiring from such other contracting company any portion of their railway or the use thereof, and generally to make any agreement or agreements, with either of said companies, if so lawfully authorized, touching the use by one or the other, or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for using the said railway may, and is hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred. Provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Proviso.

**51.** Shares in the capital stock of the company may be transferred by any form of instrument in writing; but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

**52.** The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Payment of back charges on goods.

**53.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far

Incorporation of provisions of Rev. Stat., c. 207.



far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof, so incorporated with this Act.

Commence-  
ment and  
completion of  
line.

54. The railway shall be commenced within three years and finally completed within seven years after the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by The Bracebridge and Trading Lake Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold, with the appurtenances unto the said The Bracebridge and Trading Lake Railway Company, their successors and assigns forever (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this  
day of \_\_\_\_\_ A. D. 19 \_\_\_\_\_.  
Signed, sealed and delivered }  
in the presence }

SCHEDULE B.

(Section 41).

Chief Engineer's certificate The Bracebridge and Trading Lake Railway Company's Office, No. \_\_\_\_\_ A. D. 19 \_\_\_\_\_.  
Engineer's Department certificates to be attached to cheques drawn on The Bracebridge and Trading Lake Railway Company Municipal Trust Account given under section \_\_\_\_\_, chapter \_\_\_\_\_, of the acts of the Legislature of Ontario, passed in the \_\_\_\_\_ year of Her Majesty's reign.

I, \_\_\_\_\_ chief engineer of The Bracebridge and Trading Lake Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-Law No. \_\_\_\_\_ of the \_\_\_\_\_ (or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, between the corporation of the \_\_\_\_\_ and the said company) to entitle the said company to receive from the said trust the sum of \_\_\_\_\_ (here set out the terms and conditions, if any, which have been fulfilled).

## CHAPTER 110

## An Act to incorporate The Camp Bay and Crow Lake Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS George Smith of the Township of North Preamble.  
Grimsby, in the County of Lincoln and Province of Ontario, fruit grower; Edgar Warren Smith of the same place, fruit grower; John Henry Tilden of the City of Hamilton, in the Province of Ontario, manufacturer; Joseph Edward Bird of the Town of Rat Portage, in the District of Rainy River and Province of Ontario, barrister-at-law; and James Vernal Teetzel of the said City of Hamilton, barrister-at-law, have by their petition prayed for the incorporation of a company under the name of "The Camp Bay and Crow Lake Railway Company," for the purpose of constructing, equipping and operating a railway from a point on White Fish Bay, Lake of the Woods, District of Rainy River, easterly to a point on Crow Lake; and for the purposes of carrying on in all its branches the business of a mining, milling and reduction company; and it has been represented that the line of the railway of the company so to be incorporated will be entirely constructed in the unorganized part of the Province and will pass through a territory rich in minerals, and that the erection of the works contemplated by the company will tend greatly to develop the natural resources of the country through which it is proposed to build the said railway; and whereas it is proposed to operate the same by steam or electricity; and whereas owing to the location of the line of said railway the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. George Smith, Edgar Warren Smith, John Henry Tilden, Joseph Edward Bird and James Vernal Teetzel, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the company hereby incorporated

porated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Camp Bay and Crow Lake Railway Company," hereinafter called "the company."

**Head Office.** 2. The head office of the company shall be in the City of Hamilton in the Province of Ontario.

**Location of line.** 3. The company shall have full power and authority to lay out, construct, equip and operate by steam or electricity a railway of the gauge of four feet eight and one-half inches from a point on White Fish Bay, Lake of the Woods, District of Rainy River, easterly to a point on Crow Lake, with full power to pass over any portion of the country between the points aforesaid, and the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act* and any Act or Acts amending the same.

Rev. Stat. c. 223.

**Authority to make surveys.** 4. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than three miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act*, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of said railway had been taken, made, examined

Rev. Stat. c. 207.



examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

5. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus, or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Authority to  
receive gifts.

6. The provisional directors or elected directors may pay, or agree to pay in cash or paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material plant, rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payment  
in stock.

7. In payment of stock subscribed for or any call thereon, the company may receive any property, franchises, rights or privileges, necessary for the purposes of the company and within the powers of the corporation to receive, at such a value, and on such conditions as the owner or holders thereof and the company may agree upon, and such payment shall be equivalent to and have the effect of payment in cash.

Payments on  
subscribed  
stock.

8. Any municipality through which the said railway may pass, or is situated, is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running of traffic of the said railway; and the company shall have power to accept gifts of land from any government, or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Authority to  
municipalities  
to make gifts

9. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation, shall have the same effect

Stone, gravel,  
etc.

Rev. Stat.  
c. 207.

effect as in the case of arbitration for the roadway; and all provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings.

Rev. Stat.  
c. 207.

**10.**—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such rights may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining said railway.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, sand, stone or earth, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Purchase of  
whole lots.

**11.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, use, hold and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.  
c. 207.

Provisional  
directors.

**12.** The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

**13.** The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Hamilton aforesaid, or at such other place as may best suit the interest of the said company.

Powers of  
provisional  
directors.

Rev. Stat.  
c. 207.

**14.** No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions  
for stock when  
binding.

**15.** The capital stock of the company hereby incorporated shall be \$200,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 2,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.

**16.** When, and as soon as shares to the amount of \$20,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into some chartered bank

First general  
meeting.



bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said City of Hamilton of the time, place and purpose of said meeting.

Number of  
directors and  
quorum.

**17.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c.  
207.

Qualification.

**18.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

General meet-  
ings.

**19.** Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the said City of Hamilton, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said City of Hamilton during the four weeks immediately preceding the week in which such meeting is to be held.

Special meet-  
ings.

**20.** Special general meetings of the shareholders of the company may be held at such place and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Calls.

**21.** The directors may, from time to time, make calls as they may think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided in section 19 of this Act.

**22.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. Aliens.

**23.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$25,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. Authority to issue bonds.  
Rev. Stat. 207.

**24.** The company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, which they may be enabled, under the powers of this Act, to issue for the construction of the said railway. Pledging bonds.

**25.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of stock.

**26.** The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed, by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to, have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as notes or bills of a bank. Negotiable instruments.

**27.** The company shall have power and authority:—

(1) To purchase land for and erect power-houses, ware-houses, elevators, docks, stations, workshops, machine shops, foundries General powers.  
Warehouses, docks, etc.

foundries, saw mills, hotels and offices necessary and incidental to the purposes of the company and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have the power to build, own, operate and hold, as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Erect necessary buildings, wharfs, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves, saw mills, hotels and fixtures for the purposes aforesaid and from time to time to alter, repair and enlarge the same and to build, purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Powers as to production and use of electricity.

(3) To construct, maintain and operate works for the production of electricity either by steam or water power for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company;

Lease or sell electricity not required for railway.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section;

Rev. Stat. c. 200.

Acquiring rights for conveying electricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction of railway on highways.

28—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public



public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 3, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. Rev. Stat. c. 223, s. 632.

**29.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway, or any part of the said railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing. Telegraph and telephone lines.

**30.—(1)** The company may exercise all the powers of a mining company as set forth in section 4 of *The Ontario Mining Companies Incorporation Act*, but none of the other provisions contained in the said Act shall apply to the said company. Mining company powers.

(2) Nothing in this Act contained shall be deemed to confer upon the company hereby incorporated any power to enter upon or take lands for the purposes of this section without the consent of the owners or occupiers of such lands first had and obtained, nor shall the compulsory clauses of *The Railway Act of Ontario* apply to this section. Rev. Stat. c. 207.

(3) The Lieutenant-Governor in Council may, whenever he deems expedient, by Order in Council make and prescribe regulations relating to the operation by the company of smelters, reduction and other works for the purpose of crushing, washing, roasting, smelting, assaying, analysing, reducing, refining, amalgamating and otherwise treating all kinds of ores, metals, minerals and their products, and relating to the tolls, rates and charges for the use of such works and regulating the maximum and minimum rates, tolls and charges which the company shall be entitled to exact for the use of the said works.

Snow fences.

**31.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Form of conveyance.

**32.** Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in schedule A. hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under *The Land Titles Act* and amendments thereto and no Master of Titles shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Incorporation of Rev. Stat. c. 207.

**33.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, and of every Act in amendment thereof so incorporated with this Act.

Commencement and completion.

**34.** The said railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

## SCHEDULE A.

*Section 32.*

Know all men by these presents that I (or we) (*insert the name of the vendor or vendors*) in consideration of \_\_\_\_\_ Dollars paid to me (or us) by The Camp Bay and Crow Lake Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \_\_\_\_\_ dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said The Camp Bay and Crow Lake Railway Company, their successors and assigns forever (*here insert any other clauses, conditions and covenants required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signed, sealed and delivered in the presence of \_\_\_\_\_

[L.S.]

## CHAPTER 111

## An Act to amend an Act respecting the Fort Erie Ferry Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS the Fort Erie Ferry Railway Company have by Preamble. their petition prayed that an Act may be passed amending the Act of 58 Victoria, chapter 96, and providing that the time for the completion of the company's line of railway under said Act be extended to the 13th of April, 1902; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Chapter 96 of 58 Victoria, being the *Act respecting the 58 V. c. 96, Fort Erie Ferry Railway Company* is hereby amended by <sup>amended.</sup> extending the time for the completion of the line of railway in said Act specified to the 13th of April, 1902.



## CHAPTER 112

## An Act respecting the Hamilton Radial Electric Railway Company.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Hamilton Radial Electric Railway Company have by their petition prayed that an Act may be passed extending the time for the building and completion of the company's railway and amending the provisions of the company's Act of Incorporation respecting the calling of general meetings of shareholders ; and whereas it is expedient to grant the prayers of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Extension of  
time for com-  
pletion of line.

1. The time for building and completion of the said company's lines of railway and branches or extensions is hereby extended to the first day of January, 1905.

57 V. c. 88  
s. 11 amended

2. Section 11 of the *Act to Incorporate the Hamilton Radial Electric Railway Company* passed in the fifty-seventh year of Her Majesty's reign, chaptered 88, is hereby amended by striking out all the words after the word "company" in the sixth line of the said section and substituting therefor the words "and notice of such meetings shall be given at least ten days previously by a registered letter addressed to each shareholder."

Notice of  
meetings.

## CHAPTER 113

## An Act to incorporate The Huntsville and Lake of Bays Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS George F. Marsh, F. W. Clearwater, John Whiteside, Jacob W. Hart, M.D., W. H. Mathews and Harry S. May, all of the Town of Huntsville in the District of Muskoka; Alexander Marsh, of the Village of Richmond Hill, in the County of York, and J. J. McNeil of the City of Toronto in the County of York, have by their petition prayed for an Act of Incorporation under the name "The Huntsville and Lake of Bays Railway Company" for the purpose of constructing and operating a railway in two sections, the first section from the north end of Lake of Bays to the south end of Peninsular Lake and the second section from the east end of lake of Bays to the west end of Hollow Lake, said lakes being situated in the District of Muskoka; and it is proposed to operate the same by steam, or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said George F. Marsh, F. W. Clearwater, John Whiteside, Jacob W. Hart, M.D., W. H. Mathews, Harry S. May, W. M. Butchart, Alexander Marsh and J. J. McNeil and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated are hereby constituted a body corporate and politic under the name of "The Huntsville and Lake of Bays Railway Company" hereinafter called "the company."

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway in two sections to be operated by steam, or electricity,

Location of  
line.

the

the first section to run from the north end of Lake of Bays to the south end of Peninsular Lake and the second section from the east end of Lake of Bays to the west end of Hollow Lake, and the said railways, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*, and any Act or Acts amending the same

Rev. Stat. c.  
223.

Gauge.

3. The gauge of the said railway shall be four feet eight and one half inches.

Provisional  
directors.

4. The said George F. Marsh, F. W. Clearwater, John Whiteside, Jacob W. Hart, M.D., W. H. Mathews, Harry S. May, M. W. Butchart, Alexander Marsh and J. J. McNeil with power to add to their number shall be and are hereby constituted a board of provisional directors of the company of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, or either of the two sections embraced therein, and to allot the stock and to receive payments on account of stock subscribed and to make calls upon subscribers in respect of their stock and to sue for and recover the same and to cause plans and surveys to be made and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking or either of the two sections as aforesaid, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or the majority of them or the board of directors to be elected as hereinafter mentioned may in their discretion exclude any one from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous

Rev. Stat.  
c. 207.



advantageous and conducive to the furtherance of the undertaking and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if in their judgment such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the Town of Huntsville in the District of Muskoka, or at such other place as may best suit the interests of the company.

6. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively of all persons executing the same: and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyances  
of land to  
company.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscription  
for stock,  
when binding.

8. The company may receive, from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Receiving aid  
for company.

9. The capital stock of the company hereby incorporated shall be \$50,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into five hundred shares of \$100 each and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act;

Capital stock.

Rev. Stat.  
c. 207.

10. When and as soon as shares to the amount of \$5,000 of capital stock in the said company shall have been subscribed and

First general  
meeting.

and twenty per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said Town of Huntsville of the time, place and purpose of the said meeting.

Election of  
directors.

**11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five, and not more than seven persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.  
c. 207.

Qualifications  
of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon, and holds such stock absolutely in his own right.

Plans and  
surveys.

**13.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than two miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to

Rev. Stat.  
c. 207.

be

be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to 'plans and surveys.'

**14.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. Rights of aliens.

**15.** The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act. Calls.

**16.** The provisional directors, or the elected directors, may pay, or agree to pay in paid up stock, or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company. Payments in bonds or paid up stock

**17.** The head office of the company shall be at the said Town of Huntsville and the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Huntsville on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Town of Huntsville during the four weeks immediately preceding the week in which such meeting is to take place. Head office.

**18.** Special general meetings of the shareholders of the company may be held at such places, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section. Special general meeting.

**19.** At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. Voting by proxy.



Bonding  
powers.

**20.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat.  
c. 207.

Transfer of  
bonds.

**21.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable  
instruments.

**22.** The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Mortgaging  
and pledging  
bonds.

**23.** The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Agreements  
with other  
companies.

**24.** It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or  
more

more of such contracting companies, of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

**25.** The company may also construct an electric telegraph line and a telephone line throughout and along the two sections of their railway connecting the two sections by cable or by poles along the borders of the Lake of Bays and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Telegraph and telephone lines.

**26.** Any municipality, or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate, may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from municipalities.

**27.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

Submitting bonus by-laws to ratepayers.

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat. c. 223.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

Rev. Stat. c. 223.

(4) In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters aforesaid.

Requisites of  
bonus by-laws.

**28.** Such by-laws shall in each instance provide :—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition  
against aid  
from county.

**29.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court or district objecting, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended then by the railway company or the county as the arbitrators may order.

“Minor municipality,”  
meaning of.

**30.** The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county or district municipality.



**31.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Deposit before  
by-law sub-  
mitted.

**32.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

By-laws to be  
passed when  
approved by  
ratepayers.

**33.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed to the trustees appointed, or to be appointed, under this Act.

Bonus debentures  
issue of.

**34.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Aid from por-  
tion of muni-  
cipality.

**35.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Application  
of provisions  
of Rev. Stat.  
c. 223.

**36.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extending  
time for com-  
mencing  
work.

**37.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extending  
time for com-  
pletion of  
work.

**38.** Any municipality, or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law

Extent of  
municipal aid.

Proviso. law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Exemption from taxation. **39.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gift of land to company. **40.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Trustees of municipal debentures. **41.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustees within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

42. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company and subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realised from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Huntsville and Lake of Bays Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-laws granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Trusts of  
debentures.

43. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees of  
Trustees.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to  
purchase  
whole lots.

Rev. Stat.  
c. 207.

45. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to

Stone, gravel;  
etc., for con-  
struction  
purposes.

Rev. Stat. 207



to convey, and the parties from whom land may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits.

46. (1.) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper: and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.  
c. 207.

(2.) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.  
c. 207.

Powers of  
company.

47. The company shall have power and authority;—

Power houses,  
elevators, etc.

(1.) To purchase land for and erect power-houses, ware-houses, elevators, docks, stations, workshops, machine shops, foundries, and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Stations, etc.,  
rolling stock.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Works for  
compressed air  
or electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway and for the lighting and heating the rolling stock or other property of the company;

(4) To sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section ;

Disposing of electric power.

Rev. Stat. c. 200.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Carrying wires, conduits, etc., through lands.

48. (1)—The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof ; and in all such cases any and every work, matter or thing in connection with electricity or other motor power and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway, or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Carrying line along highways.

(2) The by-laws mentioned in section 2, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c. 223.

Transfer of  
shares.

49. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Collection of  
back charges  
on goods.

50. The company shall have the power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Application of  
provisions of  
Rev. Stat. c.  
209.  
Rev. Stat. c.  
207.

51. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-  
ment and  
completion of  
work.

52. The railway shall be commenced within two years and finally completed within five years after the passing of this Act.

## SCHEDULE, A.

(Section 6.)

Know all men by these presents that I (or we) (insert <sup>the name or names of the vendor or vendors</sup> the name or names of the vendor or vendors) in consideration of \$ <sup>value, entered</sup> paid to me (or us) by The Huntsville and Lake of Bays Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of \$ , paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Huntsville and Lake of Bays Railway Company, their successors and assigns forever, (here insert any other clauses



*clauses, conditions and covenants required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , 19 .

Signed, sealed and delivered in the presence of

[L. S.]

## SCHEDULE B.

(Section 42.)

### CHIEF ENGINEER'S CERTIFICATE.

The Huntsville and Lake of Bays Railway Company's Office, No. A.D. 19 .

#### ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Huntsville and Lake of Bays Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, , chief engineer of The Huntsville and Lake of Bays Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of , 19 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of \$  
(here set out the terms and conditions, if any, which have been fulfilled).

## CHAPTER 114

An Act to revive, extend and amend An Act to incorporate The Ingersoll Radial Electric Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS Justus Miller and others were by an Act Preamble, passed in the 60th year of Her Majesty's reign, chaptered 88, incorporated as a Company, under the name of "The Ingersoll Radial Electric Railway Company," for the purpose of constructing and operating certain electric railways, from the Town of Ingersoll along the routes set forth in the said Act; and whereas, by section 13 of the said Act it was provided that the said railways, or such sections of them as were authorized by the said Act, should be commenced within two years

years from the passing of the said Act; and whereas the said company have been unable to commence the said railways within the said two years, and have by their petition prayed that the time for the commencement of the same be extended for two years from the passing of this Act, and that the powers of the company be otherwise extended in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

60 V., c 88,  
revived.

Time for com-  
mencement  
and comple-  
tion.

1. The Act, passed in the 60th year of Her Majesty's reign, chaptered 88, and intituled *An Act to incorporate The Ingersoll Electric Railway Company*, is hereby revived and the said The Ingersoll Electric Railway Company is declared to be and to have been, from the date of the passing of the said Act, an existing corporation as incorporated by and subject to the provisions of the said Act as amended by this Act and the time for the commencement of the said railways, or such sections or branches thereof, as are authorized by the said Act, is hereby extended to two years and the completion thereof to five years after the passing of this Act.

60 V., c. 88,  
s. 2, amended.

2. Section 2 of the said Act is hereby amended by adding immediately after the word "Oxford," in the twenty-first line thereof, the words following, "And from Mount Elgin westward to the Village of Verschoyle, both in the Township of Dereham."

60 V., c. 88,  
s. 3, repealed.

3. Section 3 of the said Act is hereby repealed and the following substituted therefor:

Amalgama-  
tion and con-  
nections with  
existing lines.

3. The said company shall have power to amalgamate with or to agree for connections and running arrangements with the Grand Trunk Railway Company of Canada, the Michigan Central Railway Company, the Canadian Pacific Railway Company and the Port Burwell and Ingersoll Railway Company or any or either of them (if lawfully empowered to enter into such agreement) upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway companies or either of them (if lawfully authorized to enter into such an agreement) for the sale or leasing of the said railways herein authorized or any section or branch thereof and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose: and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering

entering into such an agreement for using the said railways, may and are hereby authorized to work the said railways and in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of any municipalities which may from time to time be in force, so far as the same may affect the said company or the railway to be constructed by them, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof; and provided also that nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

4. Section 6 of the said Act is hereby repealed and the following substituted therefor: 60 V., c. 88,  
s. 6, repealed.

6. The capital stock of the said company shall be \$550,000, Capital stock. to be divided into 22,000 shares of \$25 each.

5. Section 7 of the said Act is hereby amended by striking out the figures "\$500,000" in the first line thereof and substituting therefor the figures "\$550,000," and by adding after the word "Brownsville" in the tenth line thereof the words and figures following: "\$50,000 to the section or branch from Mount Elgin to Verschoyle." 60 V., c. 88,  
s. 7, amended.  
Bonding  
powers.

6. Section 4 of the said Act is hereby repealed and the following substituted therefor: 60 V. c. 88, s.  
4, repealed.

4. Justus Miller, Roger Miller, Walter Mills, Charles W. Riley, Charles C. L. Wilson, W. H. Jones, Michael Walsh, Robert J. Robertson, James P. Boles, O. E. Robinson, Stephen King, Thomas Seldon and J. Anderson Coulter with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such, until other directors shall be appointed under the provisions of this Act by the shareholders. Provisional  
directors.



## CHAPTER 115

## An Act respecting The Manitoulin and North Shore Railway Company.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Manitoulin and North Shore Railway Company has petitioned for an Act to authorize and empower the said company to construct, lay out, and build and operate a railway from a point at or near the Town of Little Current, in the District of Manitoulin, thence northerly and easterly a distance of one hundred miles, crossing the main line of the Canadian Pacific Railway, at or near Onaping or Cartier stations, and also from a point on such line of railway in or near the Township of Drury, thence easterly to the Town of Sudbury, in the District of Nipissing, and also from a point at or near the Town of Little Current, thence south-easterly to a point on the south shore of Fitzwilliam Island, and from a point near Tobermory in the County of Bruce, thence south and easterly to the Town of Meaford, in the County of Grey, passing through or near the Towns of Wiarton and Owen Sound; to extend the time for the construction and completion of its railway; to change its head office to the Town of Sault Ste. Marie, in the District of Algoma; to increase its capital stock, and to own, work and control steam and other vessels, in connection with its railway, and to otherwise amend its Act of Incorporation. And it has been represented that the lines of railway of the company will for the most part run through an unsettled part of the Province, and it is proposed to operate the same by steam or electricity, and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company except so far as regards the construction and operation of any part of the proposed railway in the Counties of Grey and Bruce; and whereas, for the reasons aforesaid, the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

51 V. cap. 70  
s. 2, repealed.

1. Section 2 of chapter 70 of the Acts passed in the 51st year of Her Majesty's reign, intituled *An Act to incorporate the Manitoulin and North Shore Railway Company*, as said sections is amended by chapter 91 of the Acts passed in the 60th year of Her Majesty's reign is repealed and the following substituted therefor:

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip, and maintain a railway of the gauge of 4 feet 8½ inches in width, to be operated by steam or electricity, with double or single iron or steel tracks, from a point at or near the Town of Little Current, in the District of Manitoulin, thence northerly and easterly a distance of one hundred miles, crossing the main line of the Canadian Pacific Railway at or near Onaping or Cartier stations, and also from a point on such line of railway in or near the Township of Drury; thence easterly to the Town of Sudbury, in the District of Nipissing, and also from a point at or near the Town of Little Current, thence south-easterly to a point on the south shore of the Fitzwilliam Island, and from a point at or near Tobermory, in the County of Bruce, thence south and easterly to the Town of Meaford, in the County of Grey, passing through or near the Towns of Wiarton and Owen Sound, and through the Townships of St. Edmunds, Lindsay, Eastnor, Albermarle, Amabel, Keppel, Sarawak, Sydenham and St. Vincent and the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*, and any Act or Acts amending the same: Provided that where the said railway is to be operated by electricity in any portions of the Counties of Grey and Bruce, the provisions of *The Electric Railway Act* relating to the construction and operation of railways shall apply to the railway of the said company.

Location and  
gauge of line.

Proviso.

Rev. Stat.  
c. 223.

Proviso.

Rev. Stat.  
c. 209.

2. Section 6 of the said Act passed in the 51st year of Her Majesty's reign is hereby repealed and the following substituted therefor: 51 V. cap. 70,  
s. 6, repealed.

6. The capital stock of the company shall be \$5,000,000 with power to increase the same in the manner provided in *The Railway Act of Ontario*, to be divided into 50,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized and the remainder of said moneys shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

Capital stock.

Rev. Stat.  
c. 207.

Rights of  
aliens.

3. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company and all such shareholders residents in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Head office.

4. The head office of the company shall be at the Town of Sault Ste. Marie in the District of Algoma and the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Sault Ste. Marie on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof and of all other meetings of the shareholders of the company shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said Town of Sault Ste. Marie, or in the Town of Little Current, during the four weeks immediately preceding the week in which said meeting is to take place.

General annual meetings.

Special meetings.

5. Special general meetings of the shareholders of the company may be held at such place and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Proxies.

6. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Powers.

7. The company shall also have power and authority :

Docks,  
Steamers, etc.

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, work-shops and offices and to sell and convey such land as may be found superfluous for any such purpose ; and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway ;

Electric works.

(2) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company.

Selling or  
leasing  
electricity.

(3) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of Joint Stock Companies



Companies incorporated under the *Act respecting Companies for supplying Steam Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection.

(4) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof, or of the railway, may be situate and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Carrying lines  
conduits, etc.,  
for electricity  
through land.

8.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement, and of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motive power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Operating on  
highways.

(2) The by-laws mentioned in section 1, subsection 4 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c.  
223.

9. The said company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass together with a map or plan thereof,

Constructing  
line in sec-  
tions.

Rev. Stat. c.  
207.

thereof, and of its course and direction and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway all and every of the clauses of the said Railway Act, and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with a map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rev. Stat. c.  
209 not to be  
applicable.  
Rev. Stat.  
c. 207.

10. Save as provided in section 1 hereof the provisions of *The Electric Railway Act* shall not apply to the company, but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments contained in the Act of incorporation of the company passed in the 51st year of Her Majesty's reign and chaptered 70 and the several amendments thereto, and in this Act; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Time for  
completion.

11. The said railway shall be finished and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains uncompleted.

Certain  
agreement  
dissolved.

12. The agreement made between Ella Kilgannan of the one part and John J. McIntyre and Peter Ryan of the other part and dated the twenty-third day of March, A. D. 1896 and the provisions thereof, the parties thereto consenting, are hereby declared to be null and void and the said company as to its rights and obligations is hereby restored to its legal position as existing at the date of the said agreement.

## CHAPTER 116

## An Act respecting the Metropolitan Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS the Metropolitan Railway Company, herein-  
 after called "the company," has, under the various Acts  
 incorporating and relating to the company, constructed and is  
 now operating in the City of Toronto and adjoining municipal-  
 ities certain portions of the lines of railway by the said Acts  
 authorized; and whereas it is desirable to extend the time  
 limited for the construction of other portions thereof, and to  
 authorize further extensions of the company's lines; and  
 whereas the company by its petition has prayed that it may be  
 enacted as hereinafter set forth; and whereas it is expedient  
 to grant the prayer of the said petition.

Preamble.

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. The company may construct, equip, maintain and operate  
 extensions of its line of railway to the Village of Shelburne;  
 and through or near to the Village of Stouffville, and thence  
 through the Township of Pickering to a point at or near the  
 Village of Claremont, and thence through the Townships of  
 Pickering, Whitby and East Whitby, to the Town of Oshawa,  
 and all the provisions of the various Acts relating to the com-  
 pany which confer any rights, powers and privileges upon  
 the company shall apply to such extensions.

Extensions to  
Shelburne,  
Stouffville,  
Claremont  
and Oshawa.

2. Section 18 of chapter 92 of the Acts passed in the 60th  
 year of Her Majesty's reign is repealed.

60 V. c. 92,  
s. 18 repealed

3. The company may enter into any agreement with the  
 Toronto and Scarborough Electric Railway Light and Power  
 Company, Limited, or the Toronto and Mimico Electric Rail-  
 way and Light Company, Limited, or the Toronto Suburban  
 Street Railway Company, Limited, for acquiring by pur-  
 chase or otherwise, or for taking on lease the railway of any  
 of the said companies, in whole or in part, and the rights,  
 powers

Agreements  
with other  
electric rail-  
way compan-  
ies.



powers, surveys, plans, works, plant, material, machinery, franchises and other property to it belonging, or any portion thereof, on such terms as are agreed upon, and subject to such restrictions as to the directors seem fit, providing that every such agreement shall be first sanctioned by resolution at a special general meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock are present.

Time for com-  
mencement  
and comple-  
tion of exten-  
sions, etc.

4. The powers of the company for the construction and operation of the railway and extensions authorized by the various Acts relating to the company and by this Act, shall cease and be null and void with respect to any part of such railway and extensions, if

- (a) The construction of such part is not begun before the first day of May, A.D. 1903, or
  - (b) If such construction is not finished and such part is not put into operation before the first day of May A.D. 1905.
-

## CHAPTER 117

## An Act to incorporate the Nickel Belt Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS Rinaldo McConnell, Florence Lucretia McConnell, both of the Town of Mattawa in the District of Nipissing, and John Newton Glidden of the City of Kingston, in the County of Frontenac, and Foster Shields and Edward H. Dodd, both of the Town of Sudbury, in the District of Nipissing, have by their petition prayed for an Act of Incorporation under the name of "The Nickel Belt Railway Company," for the purpose of constructing and operating a railway from a point in the District of Nipissing at or near Onaping Station on the main line of the Canadian Pacific Railway; thence northeasterly through the Townships of Dowling, Levack, Morgan, Howell, Lumsden, Wisner and Norman, and thence southerly and southeasterly through the Townships of Norman, Capreol, Garson, Blezard and McKim to a point on the branch line of the Canadian Pacific Railway Company known as "the Stobie Branch" of the said railway, and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Rinaldo McConnell, Florence Lucretia McConnell, both of the Town of Mattawa, in the District of Nipissing and John Newton Glidden, of the City of Kingston in the County of Frontenac, and Foster Shields and Edward H. Dodd, both of the Town of Sudbury in the District of Nipissing, together with such other persons and corporations as shall become shareholders in the company are hereby constituted a body corporate

Preamble.

Incorporation.

corporate and politic under the name of "The Nickel Belt Railway Company" hereinafter called "the company."

Locatio  
of line.

2 The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity from a point in the Township of Dowling in the District of Nipissing at or near Onaping Station on the main line of the Canadian Pacific Railway; thence northeasterly through the Townships of Dowling, Levack, Morgan, Bowell, Lumsden, Wisner and Norman, and thence southerly and southeasterly through the Townships of Norman, Capreol, Garson, Blezard and McKim to a point on the branch line of the Canadian Pacific Railway Company known as "the Stobie Branch" of the said railway, with power to construct branch lines none of which are to exceed six miles in length through the said townships, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway, and the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act* and any Act or Acts amending the same.

Rev. Stat.  
c. 223.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional  
directors.

4. The said Rinaldo McConnell, John Newton Glidden and Edward H. Dodd with power to add to their number shall be and are hereby constituted a board of provisional directors of the company of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it on or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the company, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary

Rev. Stat.  
c. 207.



ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing its undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the City of Ottawa in the County of Carleton, or at such other place as may best suit the interests of the company.

6. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors and unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscriptions for stock, when binding.

7. The company may receive from any government or from any persons or bodies corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to company.

8. The capital stock of the company hereby incorporated shall be one hundred thousand dollars, with power to increase the same, in the manner provided by *The Railway Act of Ontario*, to be divided into one thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. Capital stock. Rev. Stat. c. 207.

9. When and as soon as shares to the amount of ten thousand dollars of capital stock of the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services First election of directors.

services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in one or more newspapers published in the said City of Ottawa of the time, place and purpose of said meeting.

Number of  
directors and  
quorum.

10. At such general meeting the shareholders present either in person or by proxy who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the company, in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.  
c. 207.

When calls  
may be made.

11. The directors may from time to time make calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed and owing by each shareholder, and thirty days' notice shall be given of each call, as provided by section 9 of this Act.

Qualifications  
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all claims thereon.

Rights of  
aliens.

13. Aliens and companies incorporated abroad, as well as British subjects and corporations may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Transfer of  
shares.

14. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Payments in  
stocks or  
bonds.

15. The provisional directors or the elected directors may pay or agree to pay, in paid up stock, or in the bonds of the company, such sums as they may deem expedient, to engineers

ers or contractors or for the right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking or for purchasing the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not and any agreement so made shall be binding on the company.

16. The head office of the company shall be at the said city of Ottawa and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Ottawa or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said City of Ottawa during the four weeks immediately preceding the week in which such meeting is to be held.

General  
annual  
meeting.

17. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

General  
meetings.

18. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of  
land to com-  
pany.

19. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

By-laws  
granting ex-  
emption from  
taxation.



Gifts of lands.

**20.** Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the company's railway; and the company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to purchase whole lots.

**21.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from its railway, and may sell and convey the same or any part thereof from time to time as the directors of the company may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 207.

Acquiring material for construction.

**22.** When stone, gravel, earth or sand is or are required for the construction or maintenance of the railway or any part thereof, the company may, in case it cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and a copy thereof with notice of arbitration shall be served as in the case of acquiring the right of way, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the right of way and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time the company shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Rev. Stat. c. 207.

Sidings to gravel pits.

**23.—(1)** When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene.

vene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel stone, earth or sand sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

**24.** The company shall have the right, on and after the 1st day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Power to  
erect snow  
fences.

**25.** The company shall have power and authority :—

General  
powers.

(1) To receive, hold and take all voluntary grants and donations of land or other property made to it to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only.

(2) To purchase land for and erect warehouses, elevators docks, stations, workshops, power-houses and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

(3) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire engines, motors, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the company.

(4) To construct, maintain and operate works for the production of electricity for the motive power of the said railways and

Powers as to  
production  
and use of

electricity.

and for the lighting and heating the rolling stock and other property of the company ;

Lease or sell  
electricity not  
required for  
railway.

(5) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection ;

Rev. Stat.  
c. 200.

Acquiring  
rights for con-  
veying elec-  
tricity.

(6) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof ;

(7) To construct, erect, and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning of this Act.

Construction  
on streets, etc.

**26.**—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof ; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid



so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 2, sub-section 6 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. Rev. Stat. c. 223, s. 632.

27. The company may enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any engines, motors, carriages, cars, rolling stock, and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the engines, motors, carriages, cars, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. Leasing or hiring rolling stock.

28. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of the said railway or branches and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing. Telegraph and telephone lines.

29. The company may enter into agreements with the Canadian Pacific Railway Company and The Holland and Emery Company's Railway, if lawfully empowered to enter into such agreement, for the interchange of cars and traffic and for connections and running arrangements upon terms to be approved of by two-thirds in value of the shareholders of the company at a special general meeting to be held for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. Interchange of traffic with other companies.

Bonding  
powers.

**30.**—(1) The directors of the company under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company who have paid all calls due thereon are present in person or represented by proxy may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent limited by this Act for each and every mile of single track of the said railway and extensions and branches; such bonds, debentures, or other securities shall be signed by the president or other presiding officer and counter-signed by the secretary which counter-signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time and in such manner and at such place or places in Canada or elsewhere and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper:

- (a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purposes of raising money for prosecuting the said undertaking, or they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates and electric plant necessary for the undertaking.
- (b) No such bond, debenture, or other security shall be for a less sum than one hundred dollars.
- (c) The power of issuing bonds by this Act conferred upon the company hereby, shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bond or debenture shall be issued until twenty per centum of the subscribed capital has been actually expended on the work.
- (d) The whole amount of the issue of such bonds shall not exceed in all the sum of \$14,000 for each and every mile of single track of the company's railway and extensions and branches.
- (e) Such bonds shall be issued only in proportion to the length of the railway constructed or under contract to be constructed.

(2) The company may secure such bonds, debentures or other securities by a mortgage deed, creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents, and revenues of the company, present or future or both, as are described in the said deed; but such rents and  
revenues

revenues shall be subject in the first instance to the payment of any penalty imposed for the non-compliance with the requirements of this Act, respecting returns to be made under this Act, and next to the payment of the working expenses of the railway, as in this Act defined, other than the interest on mortgage or debenture indebtedness.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding, and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes, as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act* or any Act requiring registration or renewal of mortgages of chattels have been fully complied with.

Rev. Stat.  
c. 148.

(3) Until they have been surrendered and lawfully cancelled, the bonds, debentures or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential



ential claim and charge upon the company and the privileges acquired under this Act, and the franchise and undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding sub-section.

- (a) Each holder of the said bonds, debentures or other securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgagee or encumbrancer upon the said securities pro rata with all other holders and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures, or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

(4) If the company makes default in paying the principal or interest on any of the bonds, debentures or other securities hereby authorized at the time when the same by the terms of the bond, debenture or other security becomes due and payable then at the next annual general meeting of the company and at all subsequent meetings, all holders of bonds, debentures or other securities, so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

- (a) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter in the same manner as shares or transfers of shares.

- (b) The exercise of the rights given by this sub-section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

(5) All bonds, debentures, or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

(6) Any lands or chattel property which have become no longer useful or necessary for the purposes of the company may be released by the trustees of any mortgage securing the bonds of the company if a provision for such release is contained in the mortgage and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the company in favour of the said bondholders.

**31.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer of the company and under the authority of a quorum of the directors shall be binding on the company; and every such promissory note or bill of exchange so made, accepted or endorsed shall be presumed to have been made, accepted or endorsed with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Negotiable  
instruments.

**32.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collection of  
back charges.

**33.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Incorporation  
of provisions  
of Rev. Stat.  
c. 207.

Time of  
commence-  
ment and  
completion.

34. The said railway shall be commenced within three years and completed within six years from the passing of this Act.

## SCHEDULE A.

(Section 18.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of

dollars paid to me (or us) by the Nickel Belt Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) insert the name or names of any other party or parties) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Nickel Belt Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As WITNESS my (or our) hand and seal (or hands and seals) this day of \_\_\_\_\_, one thousand nine hundred

Signed, sealed and delivered  
in the presence of

(L.S.)

## CHAPTER 118

### An Act respecting the Ontario, Belmont and Northern Railway Company.

*Assented to 30th April, 1900.*

Preamble.

WHEREAS, The Ontario, Belmont and Northern Railway Company has, by its petition, prayed that the Act of incorporation of the said Company passed in the 54th year of Her Majesty's reign, chaptered 90, and the amending Act passed in the 59th year of Her Majesty's reign, chaptered 106 be further amended and that the Company be empowered to extend its main line of railway from a point at or near its present southerly terminus to a junction with the Ontario and Quebec Division of the Canadian Pacific Railway, and from its present northerly terminus to a junction with the Canada Atlantic Railway Company, and also to construct branch lines to connect its railway with other railways, junction points and mines and mineral lands, and to extend the time for the completion



completion of the main line of said railway and the branches thereof already authorized, and for the other purposes herein-after set forth; and it has been represented that the line of the railway of the company will for the most part be constructed in a sparsely settled and undeveloped portion of the Province, and will pass through a territory rich in minerals, and that the erection of the works contemplated by the company will tend to develop the natural resources of the country through which it is proposed to build the said railway; and whereas, it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway the provisions of *The Electric Railway Act* are not applicable; and whereas, for the reasons aforesaid the circumstances of the case are exceptional; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Section 39 of chapter 90 of the Acts passed in the 54th year of Her Majesty's reign, intituled *An Act to incorporate the Ontario, Belmont and Northern Railway Company*, is hereby amended by striking out the figures \$10,000 in the fifth line thereof, and inserting in lieu thereof the figures \$20,000. 54 V. c. 90, s. 39, amended.

2. Section 43 of the said Act is hereby amended by adding after the words the "Central Ontario Railway Company in the fourth line thereof, the words "The Grand Trunk Railway Company of Canada, The Canada Atlantic Railway Company, The Irondale, Bancroft and Ottawa Railway Company, The Bay of Quinte Railway Company." 54 V. c. 90, s. 43, amended

3. The company shall have full power to extend its main line of railway from a point at or near its present southerly terminus in the Township of Marmora, in the County of Hastings to a junction with the Ontario and Quebec division of the Canadian Pacific Railway, at some point on the line of the said railway in the Township of Rawdon in the said County of Hastings, and from its present northerly terminus at the Village of Baysville, in the Township of McLean, in the District of Muskoka, to a junction with The Canada Atlantic Railway Company, passing through or near to the Townships of Brunel, Stephenson, Chaffey and Stisted in the District of Muskoka, and the Townships of Perry and McMurich, in the District of Parry Sound. And the company may construct branch lines or extensions, not exceeding twelve miles in length, from any point at or between the terminal points of the said railway, for the purpose of connecting the said railway with the railways mentioned in said section 43 of the company's Act of incorporation and in this and the preceding section, and with iron or other mines, charcoal Location of branch lines.

Application of  
bonding  
powers to  
branch lines.

or other wood lands in the Counties of Northumberland, Hastings, Peterborough, and Haliburton, and all the powers and privileges conferred by this and former Acts with respect to the main line, branches or extensions, are hereby conferred upon the company with respect to such branch lines or extensions. And all the provisions of the several Acts relating to the issue of bonds on the security of the railway shall apply to such branch lines or extensions as amply as they apply to the main line.

Operating on  
highways.

4. The said railways, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

Rev. Stat.  
c. 223.

Mining  
powers.  
Rev. Stat.  
c. 197.

5. (1) The company may exercise all the powers of a mining company as set forth in Section 4 of *The Ontario Mining Companies Incorporation Act*, but none of the other provisions contained in the said Act shall apply to the said company.

(2) Nothing in this Act contained shall be deemed to confer upon the company any power to enter upon or take lands for the purposes of this section without the consent of the owners or occupiers of such lands first had and obtained, nor shall the compulsory clauses of *The Railway Act of Ontario* apply to this section.

Rev. Stat.  
c. 207.

(3) The Lieutenant-Governor in Council may, whenever he deems expedient, by Order in Council, make and prescribe regulations relating to the operation by the company of smelters, reduction and other works for the purpose of crushing, washing, roasting, smelting, assaying, analyzing, reducing, refining, amalgamating and otherwise treating all kinds of ores, metals, minerals and their products, and relating to the tolls, rates and charges for the use of such works and regulating the maximum and minimum rates, tolls and charges which the company shall be entitled to exact for the use of the said works.

General  
powers of Co.

6. The company shall have power and authority :—

Warehouses,  
docks, etc.

(1) To purchase land for and erect power-houses, ware-houses, elevators, docks, stations, work shops, machine shops, foundries

foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway ;

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway :

Erect necessary buildings wharfs, etc.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways and for the lighting and heating the rolling stock and other property of the company ;

Powers as to production and use of electricity.

(4) To sell or lease any such electricity not required for the purpose aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section ;

Lease or sell electricity not required for railway.

Rev. Stat. c. 200.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Acquiring rights for conveying electricity.

7.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council

Construction on streets, etc.



council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 4; subsection 5 of the preceding section and this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Change of  
name.

8. The name of the company is hereby changed from The Ontario, Belmont and Northern Railway Company to The Marmora Railway and Mining Company, but such change in name shall not in any way impair, alter or affect the rights or liabilities of the company, nor in anywise affect any suit or procedure now pending, or judgment existing either by, in favor of or against the company, which notwithstanding such change in the name of the company may be prosecuted or continued and completed and enforced as if this Act had not been passed.

Incorporation  
of provisions  
of Rev. Stat.  
c. 207.

9. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Time  
extended.

10. The time for the completion of the said railway and branches and extensions thereof is hereby extended for a period of six years from the date of the passing of this Act.

## CHAPTER 119

## An Act to incorporate The Ottawa and Dundas Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS Nicholas Charles Sparks, Arthur J. Forward, Preamble.  
 John Inkermann MacCraken, all of the City of Ottawa, in the County of Carleton, Robert H. Cowley and Frederick A. Heney, both of the Township of Nepean, in the County of Carleton, James Simpson, Frank Iveson, Patrick O'Connor and Andrew P. Imlay, of the Village of Metcalfe, in the County of Carleton, James McLaurin, Robert Dow and Alan P. McDonell, all of the Township of Osgoode, in the County of Carleton, Mahlon F. Beach and John S. Ross, of the Village of Winchester, Frank Elliott, of Morewood, Hugo H. Ross, James D. Bullis and William L. Redmond, of the Village of Iroquois, James Collison, of Dixon's Corners, John McTavish, of Van Camp, Matthew C. Gibson and Herbert H. Bradfield, of Morrisburgh, all in the County of Dundas, and William D. Cameron, of Chicago, United States of America, have by their petition prayed for an Act of incorporation under the name of "The Ottawa and Dundas Railway Company," for the purpose of constructing and operating a steam railway from a point in or near the City of Ottawa, passing through the Townships of Gloucester and Osgoode, in the County of Carleton, and through the County of Dundas to some point at or near the shore of the St. Lawrence River, in the said County of Dundas; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Nicholas Charles Sparks, Arthur J. Forward, Incorporation  
 John Inkermann MacCraken, Robert H. Cowley, Frederick A. Heney, James Simpson, Frank Iveson, Patrick O'Connor, Andrew P. Imlay, James McLaurin, Robert Dow, Alan P. McDonell, Mahlon F. Beach, John S. Ross, Frank Elliott, Hugo H. Ross, James D. Bullis, William L. Redmond, James Collison, John McTavish, Matthew C. Gibson, Herbert H. Bradfield and William D. Cameron, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Ottawa and Dundas Railway Company." hereinafter called "the company."

Location of  
line.

2. The company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, make, build, equip, maintain and operate an iron or steel railway, from a point in or near the City of Ottawa; thence through the Townships of Gloucester and Osgoode, in the County of Carleton, and running in or near the Village of Metcalfe and the Villages of Kenmore or Vernon, in the Township of Osgoode; thence through the Townships of Winchester and Williamsburgh, in the County of Dundas, running in or near the Villages of Ormond, Winchester, Winchester Springs and North Williamsburgh to a point in or near the Village of Morrisburgh, in the County of Dundas, and also a branch from a point in or near the Village of Winchester to a point in or near the village of Iroquois, in the said County of Dundas, passing through the Townships of Mountain, Williamsburgh and Matilda, such railway and branch to be operated by steam, to be of a gauge of four feet eight and one-half inches, and to be constructed with single or double iron track or tracks, with all necessary switches and turnouts; and such railway or branch may be constructed in sections.

Provisional  
directors.

3. The said parties named in section 1 hereof shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such provisional directors until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of  
provisional  
directors.

4. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock and to sue for and recover the same; and to cause plans and surveys to be made and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and on such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the  
provisional

Rev. Stat.  
c. 207.



provisional board of directors shall be held at the City of Ottawa, or at such other place as may be in the interests of the company.

5. Conveyances of land to the company for the purposes of, and powers given by this Act, made in the form set forth in schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and on such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof. Conveyances of land to company.

6. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities, for money or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to company.

7. The capital stock of the company hereby incorporated shall be \$500,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 5,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. Capital stock Rev. Stat. c. 207.

8. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscriptions for stock when binding.

9. When and as soon as shares to the amount of \$75,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of elect-  
ing

ing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said City of Ottawa of the time, place and purpose of the said meeting.

Head office,  
general annual  
meeting.

**10.** The head office of the company shall be at the said City of Ottawa, and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Ottawa on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said City of Ottawa during the four weeks immediately preceding the week in which such meeting is to take place.

Number of  
directors and  
quorum.

**11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*: and the said board may employ and pay one of their number as managing director.

Rev. Stat.  
c. 207.

Qualification  
of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

Power to con-  
struct line in  
sections.

**13.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made

Rev. Stat., c.  
207.

made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had to be taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

**14.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company. Rights of aliens.

**15.** The directors may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinbefore provided in section 9 of this Act. Calls on stock.

**16.** The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payments in stock or bonds

**17.** Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in section 9 of this Act. Special general meetings.

**18.** At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. Proxies.

**19.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the Issue of bonds.



Rev. Stat.,  
c. 207.

the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Bonds, etc.,  
how payable.

**20.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of  
bonds.

**21.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging  
or pledging  
bonds.

**22.** The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements  
with other  
companies for  
leasing or  
hiring rolling  
stock.

**23.** It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

24. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of the said railway or branches and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Telegraph  
and telephone  
lines.

25. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Aid from mu-  
nicipalities.

26. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

Submitting  
bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council; or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat.  
c. 223.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

Rev. Stat.  
c. 223.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by

by

by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Petition  
against aid  
from county.

27. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court or district objecting, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality,"  
meaning of.

28. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county or district municipality.

By-law  
what to  
contain.

29. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of the debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.



**30.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit to be made before by-law is submitted.

**31.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Council to pass by-law if assented to by ratepayers.

**32.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Issue of debentures.

**33.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Levying rates on portion of municipality.

**34.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Application of provisions of Rev. Stat. c. 223.

**35.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend the time for commencement.

**36.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Councils may extend the time for completion.

**37.** Any municipality, or portion of a township municipality interested in the construction of the road of the company, may grant aid by way of bonus to the company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Extent of aid from municipalities.

By-laws granting exemption from taxation.

**38.** It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

**39.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of debentures.

**40.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

**41.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto

as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Ottawa and Dundas Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

42. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

43. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell or convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Power to purchase whole lots. Rev. Stat. c. 207.

44. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this Acquiring material for construction. Rev. Stat. c. 207.



this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits.

Rev. Stat.  
c. 207.

**45.**—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracts over any lands which may intervene between the railway and the lands on which the said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Incidental  
powers.

Warehouses,  
docks, etc.

**46.** The company shall have power and authority:—

(1) To purchase land for and erect warehouses, elevators, docks, stations, work shops, machine shops, and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect neces-  
sary buildings,  
wharfs, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery and contrivances necessary for the accommodation and use of the passengers, freight and business of the railway.

Snow fences.

**47.** The company shall have the right on and after the first day of November, in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences there-  
on

on, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

48. The company may make special rates for the carriage of milk, fruit, cheese or perishable articles, and may erect and construct buildings, plant and machinery at any convenient point or points along its lines of railway for the purpose of receiving fruit, milk, cheese or other perishable articles, and the company may hold and store the same by a system of cold storage at such rates and upon such terms as shall from time to time be specified by the by-laws of the company, which by-laws the directors are hereby empowered to make. Special rates.

49. Notwithstanding any provision to the contrary in any other Act the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada. Level crossings.

50. It shall be lawful for the company to enter into any agreement with the Canadian Pacific Railway Company, the Canada Atlantic Railway Company and the Grand Trunk Railway Company, if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements with the said companies or either of them if so lawfully authorized, for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway or the use thereof, and generally to make any agreement or agreements with the said companies, if so lawfully authorized, touching the use by one or the other or both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for using the said line, may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds

two-thirds in value of the shareholders present in person or by proxy at such meeting.

Authority to  
amalgamate.

51. The company is also authorized and empowered to make necessary arrangements and to contract and agree with the Canadian Pacific Railway Company, the Canada Atlantic Railway Company and the Grand Trunk Railway Company, if lawfully empowered to enter into such arrangement, for amalgamation with the said Company, or for leasing their said line or any part or parts thereof to the said company, and may also make traffic or running arrangements with any such company, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Transfer of  
shares.

52. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Payment of  
back charges  
of goods.

53. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Incorporation  
of provisions  
of Rev. Stat.  
c. 207.

54. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-  
ment and  
completion.

55. The railway hereby authorized shall be commenced within three years and finished and put in operation within six years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE



## SCHEDULE A.

(Section 5.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of

dollars paid to me (or us) by The Ottawa and Dundas Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Ottawa and Dundas Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this  
day of , one thousand nine hundred

Signed, sealed and delivered }  
in the presence of }

(L. S.)

## SCHEDULE B.

(Section 41.)

## CHIEF ENGINEER'S DEPARTMENT.

The Ottawa and Dundas Railway Company's Office,  
No.

A.D. 19 .

## ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Ottawa and Dundas Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, chief engineer of The Ottawa and Dundas Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of 19 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

## CHAPTER 120

## An Act respecting The Pacific and Atlantic Railway Company.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS the Pacific and Atlantic Railway Company was incorporated by an Act passed by the Legislature of the Province of Ontario, in the 49th year of Her Majesty's Reign, and Chaptered 76, with the rights, powers and privileges therein mentioned; and whereas the time by the said Act limited for the commencement and completion of the railway thereby authorized to be constructed has expired; and whereas the said Company and the persons mentioned in the first paragraph hereof have by their petition prayed that an Act may be passed reviving and re-enacting the provisions of the said Act, and constituting them as the said Company; and it has been represented that the line of the railway of the company will, for the most part, be constructed in a sparsely settled and undeveloped portion of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company except so far as regards the construction of any part of the proposed railway in the Counties of Glengarry, Russell, Carleton, Renfrew and Hastings; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

49 V. c. 76,  
s. 1, repealed

1. Section 1 of Chapter 76 of the Acts passed in the 49th year of Her Majesty's reign, intituled "*An Act to Incorporate the Pacific and Atlantic Railway Company*," is hereby repealed, and the following substituted therefor:—

Corporators.

1. James Conmee, of the Town of Port Arthur, in the District of Thunder Bay; James B. Dobie, of the Town of Thessalon, in the District of Algoma; William Turner and Robert A. Lyon, both of the Town of Sault Ste. Marie, in the District of Algoma; John Flett, Wholesale Merchant, John Drinkwater Ivey, Wholesale Merchant, William George Francis, Manufacturer

turer, George Harry Parkes, Publisher, George Kerr, Solicitor, and James George Shaw, Solicitor, all of the City of Toronto, in the County of York, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of "The Pacific and Atlantic Railway Company," hereinafter called "The Company."

2. Section 3 of the said Act is hereby amended by inserting <sup>49 V. c. 76,</sup> after the words "and operate" in the third line thereof, the <sup>s. 3, amended.</sup> words "by steam or electricity," and by adding at the end of the said section the words following, "and the said railways, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*; provided that where the <sup>Proviso.</sup> said railway is to be operated by electricity in any portions of of the Counties of Glengarry, Russell, Carleton, Renfrew and Hastings, the provisions of *The Electric Railway Act* relating <sup>Rev. Stat.</sup> to the construction and operation of railways shall apply to <sup>c. 209.</sup> the railway of the company.

3. Section 7 of the said Act is hereby amended by inserting <sup>49 V. c. 76,</sup> in the third line thereof, after the words "The Grand Trunk <sup>s. 7 amended.</sup> Railway Company of Canada," the words "The Canadian Pacific Railway Company."

4. Section 8 of the said Act is hereby amended by inserting <sup>49 V. c. 76,</sup> in the third line thereof, after the words "The Grand Trunk <sup>s. 8, amended.</sup> Railway Company of Canada," the words "The Canadian Pacific Railway Company."

5. Section 11 of the said Act is hereby repealed, and <sup>49 V. c. 76,</sup> the following substituted therefor:— <sup>s. 11, repealed.</sup>

11. James Conmee, James B. Dobie, William Turner, Robert A. Lyon, John Flett, John Drinkwater Ivey, William George Francis, George Harry Parkes, George Kerr and James George Shaw, with power to add to their numbers, are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors shall be elected under the provisions of <sup>Provisional directors.</sup> this



Rev. Stat.  
c. 207.

this Act by the shareholders, and shall have power to fill the place or places of any of their number which may become vacant. They shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it amongst the subscribers as they may deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, in the County of York, or at such other place as may best suit the interests of the Company.

49 V. c. 76,  
s. 35, repealed.

Charter  
revived.

6. Section 35 of the said Act is hereby repealed.

7. All the provisions of the said Act, save as hereby expressly repealed, as amended by this Act, are hereby revived and re-enacted and declared to be in full force and effect.

8. The company shall have power and authority :—

Warehouses,  
docks, etc.

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, work shops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway ;

Erect necessary  
buildings,  
wharfs, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other

other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway ;

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways and for the lighting and heating the rolling stock and other property of the company ; Powers as to production and use of electricity.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section ; Lease or sell electricity not required for railway. Rev. Stat. c. 200.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof. Acquiring rights for conveying electricity.

9.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof ; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working of such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall Construction on streets, etc.  
be

be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 2, subsection 5 of the preceding section, and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Time for commencement and completion.

**10.** The construction of the said railway shall be commenced within two years, and completed within seven years after the passing of this Act.

Incorporation of provisions of Rev. Stat. c. 207.

**11.** Save as provided in section 2 of this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

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## CHAPTER 121

An Act to incorporate The Queenston, St. Catharines and Port Dalhousie Electric Railway Company.

*Assented to 30th April, 1900.*

Preamble.

**W**HEREAS Isaac Usher and Isaac Hudson Usher, both of the Village of Queenston, in the County of Lincoln, manufacturers; C. M. Lowery, merchant, and James Sheppherd, nurseryman, also of the said Village of Queenston, and John Flett, of the City of Toronto, wholesale merchant, have by their petition prayed for an Act of incorporation under the name of The Queenston, St. Catharines and Port Dalhousie Electric Railway Company, for the purpose of constructing and operating an electric railway from some point in the Village of Queenston, in the County of Lincoln, passing through the Townships of Niagara and Grantham to the City of St. Catharines and through the City of St. Catharines to the Village of Port Dalhousie,



Dalhousie, all in the County of Lincoln; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Isaac Usher, Isaac Hudson Usher, C. M. Lowery, James Sheppherd, all of the Village of Queenston, in the county of Lincoln; John Flett, of the City of Toronto, and such other persons and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic, under the name of "The Queenston, St. Catharines and Port Dalhousie Electric Railway Company."

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, alter and keep in repair a double or single track railway, with iron or steel rails, to be operated by electricity, from some point in the Village of Queenston, in the County of Lincoln, through the Townships of Niagara and Grantham to the City of St. Catharines and through the City of St. Catharines to the Village of Port Dalhousie, and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in *The Electric Railway Act* contained, and under and subject to any agreements made or hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highway; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act* and in *The Municipal Act* and any Act or Acts amending the same.

Location  
line.

Rev. Stat.  
c. 209.

Rev. Stat.  
c. 209.  
Rev. Stat.  
c. 223.

3. The said Isaac Usher, Isaac Hudson Usher, C. M. Lowery, James Sheppherd and John Flett, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Provisional  
directors.

4. All meetings of the provisional board of directors of the said company shall be held in the City of St. Catharines, in the County of Lincoln, or at such other place as may best suit the interests of the said company.

Board meet-  
ings, where  
held.

5. The capital stock of the company hereby incorporated shall be \$100,000, to be divided into 1,000 shares of \$100 each.

Capital stock.

Board of  
directors.

6. The board of directors of the said company shall consist of not less than five and not more than nine persons who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act*.

Rev. Stat.  
c. 209.

Head office.

7. The head office of the said company shall be at the city of St. Catharines.

Rev. Stat. c.  
209 incorpor-  
ated herewith.

8. The several clauses of *The Electric Railway Act* and of every act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

## CHAPTER 122

### An Act respecting The Sudbury and Nipissing Railway Company.

*Assented to 30th April, 1900.*

Preamble.

WHEREAS by an Act of the Legislature of Ontario, passed in the 56th year of Her Majesty's reign, chaptered 100, The Sudbury and Nipissing Railway Company was incorporated, and by section 50 of the said Act it was enacted that the railway proposed to be built by the said company should be commenced within three years and completed within ten years from the passing thereof; and whereas the said company has as yet not been able to commence the said road as provided by the said Act; and whereas a petition has been presented praying that said company be granted further time to commence and complete the said road; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Commence-  
ment and  
completion  
of work.

1. The time for the commencement of the construction of the said line of railway is extended for the period of three years and the time for the completion thereof for seven years from the passing of this Act.

CHAPTER

## CHAPTER 123

An Act to incorporate the Superior and James Bay  
Railway Company.*Assented to 30th April, 1900.*

**W**HEREAS the persons hereinafter named have by their Preamble.  
petition prayed that they may be incorporated under the name of The Superior and James Bay Railway Company, for the purpose of building a railway between the points hereinafter named, with the object of promoting mining and other industries and for the purpose of building smelters, reduction and other works for the treatment of ores, metals and minerals and for the developing of heat, light, electricity and power and for the purposes hereinafter set forth; and whereas it has been represented that the line of the railway of the company, so to be incorporated, will for the most part be constructed in the unorganized part of the Province, and will pass through a territory rich in minerals, and that the erection of the works hereinbefore named will tend greatly to develop the natural resources of the country through which it is proposed to build the said railway; and whereas it is proposed to operate the same by steam or electricity; and whereas owing to the location of the line of the said railway the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Snider, of the Town of Waterloo, in the County Incorporation.  
of Waterloo, miller; Phelps Johnson, of the City of Montreal, in the Province of Quebec, civil engineer; William Ashel Johnson, engineer; Arthur Burdett Lee, merchant; Franklin Bates Polson, manufacturer, and John Bellamy Miller, lumberman, all of the City of Toronto, in the County of York, together with such other persons as shall become shareholders in the company are hereby incorporated under the name of "The Superior and James Bay Railway Company," hereinafter called "the company."



Provisional  
directors.

2. The persons named in section one of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Location of  
line.

3. The company may lay out, construct and operate a line of railway in the District of Thunder Bay, in the Province of Ontario, to be operated by steam or electricity, of a gauge of four feet eight and one-half inches with either a single or double track or tracks, from a point on the north shore of Lake Superior, at, or near, Rosspoint on the Canadian Pacific Railway, thence by the best available route in a general north-easterly direction passing near Long Lake to a point on James' Bay at or near the mouth of Albany River or on the said river, and the company may also lay out, construct and operate branch lines from convenient points on its main line to mining camps now, or hereafter, situate within twelve miles of the said railway line, and also to any navigable waters within twelve miles thereof between the points of commencement and termination of the said railway line; and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

Branch lines.

Rev. Stat. c.  
223.

Smelters, etc.

4. (1) The company may also construct, erect, maintain and operate smelters, reduction, and other works for the purpose (a) of crushing, washing, roasting, smelting, assaying, analysing reducing, refining, amalgamating and otherwise treating all kinds of ores, metals, minerals and their products; (b) of selling and otherwise disposing of any and all of the said products or any part thereof or any interest therein.

Company not  
to have ex-  
proprietary  
powers as to  
smelters'

(2) Nothing in this Act contained shall be deemed to confer upon the company hereby incorporated any power to enter upon or take lands for the purposes of this section without the consent of the owners or occupiers of such lands first had and obtained, nor shall the compulsory clauses of *The Railway Act of Ontario* apply to this section.

Regulations  
as to tolls, etc.

(3) The Lieutenant-Governor in Council may, whenever he deems expedient, by Order-in-Council, make and prescribe regulations.

regulations relating to the operation by the company of the works in this section mentioned, and relating to the tolls, rates and charges for the use of such works, and regulating the maximum and minimum rates, tolls and charges which the company shall be entitled to exact for the use of the said works.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, in the County of York, or at such other place as may best suit the interest of the company.

Powers of  
provisional  
directors.

Rev. Stat.  
c. 207.

6. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of  
land to com-  
pany.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution

Subscriptions  
for stock when  
binding.

resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to railway.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat. c. 207.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into 10,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First election of directors.

10. When and as soon as shares to the amount of \$100,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said City of Toronto of the time, place and purpose of the said meeting.

Number of directors and quorum.

Rev. Stat., c. 207.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.



12. No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the company, and unless he has paid all calls thereon. Qualification of directors.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys." Power to construct line in sections. Rev. Stat. c. 207.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company. Rights of aliens.

15. The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 17 of this Act. Calls on stock.

16. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters Payments in stock or bonds.

38 s.

moters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Head office  
general  
annual meet-  
ing.

**17.** The head office of the company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Toronto on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Special gen-  
eral meetings.

Special gen-  
eral meetings.

**18.** Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Proxies.

**19.** At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Issue of  
Bonds.

**20.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat.  
c. 207.

Bonds, etc.,  
how payable.

**21.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of  
bonds.

**22.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer and under the authority of a  
quorum

quorum of the directors shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

23. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Mortgaging  
or pledging  
bonds.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Agreements  
with other  
companies for  
leasing or  
hiring rolling  
stock.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of the railway and the branches thereof or any part of the said railway or branches and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Telegraph  
and tele-  
phone lines.

26. It shall be lawful for the corporation of any municipality though any part of which the railway of the company passes,

By-law grant-  
ing exemption  
from taxation.



passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

27. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to purchase whole lots.

28. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway and may sell or convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c. 207.

Acquiring material for construction.

29. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this.

Rev. Stat. c. 207.

this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**30.** (1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to  
gravel pits.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.  
c. 207.

**31.** The company shall have power and authority:—

Powers of  
company.

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, work-shops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Warehouses,  
docks, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Erect neces-  
sary buildings  
wharfs, etc.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways and for the lighting and heating the rolling stock and other property of the company;

Powers as  
production  
and use of  
electricity.

(4) To sell or lease any such electricity not required for the purpose aforesaid to any person or corporation, and the company

Lease or sell  
electricity not

required for  
railway.

Rev. Stat.  
c. 200.

Acquiring  
rights for con-  
veying electri-  
city.

pany in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section ;

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Construction  
on streets, etc.

**32**—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof ; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Rev. Stat. c.  
223, s. 632.

(2) The by-laws mentioned in section 3, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.



**33.** The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

**34.** The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway company, if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Arrangements  
with Canadian Pacific  
Railway  
company.

**35.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of  
shares.

**36.** The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Payment of  
back charges  
of goods.

Incorporation  
of provisions  
of Rev. Stat.  
c. 207.

**37.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-  
ment and  
completion.

**38** The railway hereby authorized shall be commenced within three years and finished and put in operation within seven years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

## SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of

dollars paid to me (or us) by The Superior and James Bay Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcels (or those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Superior and James Bay Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As WITNESS my (or our) hand and seal (or hands and seals) this day of \_\_\_\_\_, one thousand nine hundred \_\_\_\_\_

Signed, sealed and delivered  
in the presence of

(L. S.)

## CHAPTER 124

## An Act respecting The Toronto Suburban Street Railway Company, Limited.

*Assented to 30th April, 1900.*

**W**HEREAS the Toronto Suburban Street Railway Company, Limited, has under its Act of Incorporation and amendments thereto, constructed and is now operating a railway in the Township of York, the Town of Toronto Junction and adjoining municipalities; and whereas the said company has by its petition prayed that an Act may be passed changing the name of the company and legalizing and confirming certain agreements entered into between the company and the municipal corporations of the Village of Weston and the Township of York; and whereas it is expedient to grant the prayer of the said petition. Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said company is hereby changed to The Toronto Suburban Railway Company, but the powers, rights and liabilities of the company shall not be increased or affected in any manner by such change of name and all contracts and agreements made, powers exercised and rights, franchises and property acquired by the said company under its prior corporate names shall remain valid and binding and be the contracts, agreements, powers, rights and property of The Toronto Suburban Railway Company. Change of name.

2. Every shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities of the company, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. Liability of shareholders limited.

3 Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the car or train and the servants of the company, be put out of the car or train at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the car or train and using no unnecessary force. Passengers refusing to pay fare.



Confirmation  
of agreements.

4. The agreements between the Corporation of the Village of Weston, bearing date the 27th day of October, 1898, and the Corporation of the Township of York bearing date the 4th day of September, 1899, and the company, which are fully set forth in the schedules A and B to this Act are hereby confirmed and declared to be within the powers of the respective parties thereto and to be valid, legal and binding for all purposes to the same extent and in the same manner as if the several clauses of such agreements were set out and enacted as part of this Act, and by-law number 240 of the Village of Weston as set forth in Schedule C to this Act is hereby confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the said Village of Weston and the rate-payers thereof.

And it is hereby declared that under the said agreements with the Village of Weston and the Township of York the company is entitled to the exclusive right and privilege of using and working a railway in and upon the streets, roads and highways of the Village of Weston as in said agreement provided for the full period of thirty years from the 27th day of October, 1898, and on the streets, roads and highways in the Township of York as in the said agreement provided for the full period of thirty years from the 4th day of September, 1899, and in both cases to renewals thereafter, but according to the terms and conditions in the said agreements expressed and contained.

Agreements  
varied.

5. It is hereby declared that the said agreements printed in schedules A and B are varied in the following respects:

Section 33 of the agreement set forth in Schedule A by adding the following words to the end of the section, "Provided, however, that this exemption shall not apply to school rates."

Section 40 and section 2, Schedules A and B, the following section shall in each case be substituted therefor: "Steam shall not be used as a motive power."

## SCHEDULE A.

(Section 4.)

THIS INDENTURE MADE IN DUPLICATE THIS TWENTY-SEVENTH DAY OF OCTOBER, A.D., 1898.

Between: the Corporation of the Village of Weston, hereinafter called the Village, of the first part, and

The Toronto Suburban Street Railway Company, Limited, hereinafter called the Company, of the second part.

Whereas by indenture bearing date the 20th day of November, A.D., 1895, the said village did grant permission to the said company to construct, complete, maintain and operate an iron or steel rail or tramway upon and along the Weston road in the village of Weston on the terms, conditions, covenants, provisoes and stipulations contained and set forth in the said indenture.

And whereas differences arose between the parties hereto in the carrying out of said agreement, and although said railway was partly constructed the operation of same has been recently discontinued and said agreement terminated.

And

And, whereas the said company has applied to the said village to again sanction the operation of the portions of said railway already constructed and the construction and operation of the extensions of said railway as hereinafter set forth upon and along Weston road in the said village.

And, whereas the said village is willing to grant such permission on the terms and conditions hereinafter set forth and to enter into an agreement with the said company such as is hereinafter contained.

Now this indenture witnesseth :

1. The company shall have the right to maintain and operate so far as is now constructed and to construct, complete, maintain and operate and from time to time change and renew subject to the conditions hereinafter specified an iron or steel rail or tramway upon and along the Weston road in the said village of Weston.

2. The roadway, tracks and rails of the extension of the said railway or tramway shall be located and constructed along such portion of said Weston road as shewn by the plans, profiles, cross sections and specifications prepared by Jas. Macdougall, C.E., and for such portion not so shewn according to the plans, profiles, cross-sections and specifications to be made by the village engineer for the time being or such engineer as the village may appoint for that purpose.

3. The construction of the extension of said railway or tramway shall be commenced forthwith after the execution of this agreement and the passing of the by-law confirming the same and shall thenceforward be carried on to completion to a point on Weston road opposite the post-office in the said village within one month from the date of the passing of the said by-law and the further construction of said railway to Humber street shall be completed within such time as is hereinafter more particularly set out and agreed. The said Weston road to be kept open for traffic while the construction is going on to the satisfaction of the village council.

3. (a) The said company as a guarantee of their intention to construct the extension of their railway as far as the post-office will deposit a marked cheque upon the execution of this agreement for the sum of \$500, which amount shall be refunded by the village immediately upon the completion of said extension, but the company shall forfeit the said sum of \$500 if the said extension is not completed within 10 days of the date herein agreed upon subject to the provisions of clause 31 hereof.

4. The location of the company's tracks after once being put down shall not be altered without the consent of the council of the village of Weston.

5. The operation of that portion of said railway already constructed shall be commenced forthwith and of the portion to be constructed to the post-office forthwith after construction.

Provided, however that the company shall not be bound to operate their railway further than a double house, the property of Mrs. Savage, situate near the foot of the hill going up to the post office, unless and until the said company have sufficient power to satisfactorily operate its system.

The balance of the said railway to be constructed from opposite the post-office to the said Humber street shall be operated forthwith after the construction thereof is complete.

6. The company for the purpose of operating and constructing may

(a) Lay down such tracks, rails, cables, conduits and sub-structures upon such portions of the Weston road as may be occupied by the company's railway under this agreement.

(b) Erect and maintain such poles and wires on the Weston road as may be necessary for operating the company's railway and for conducting electricity for any of the purposes provided for in the various Acts relating to the company provided that no wire shall be strung at a less height than fourteen feet from the ground and the location of such poles shall be first approved of by the engineer.

(c) Construct, put in and maintain such culverts, switches and turnouts and sidings as may from time to time be found to be necessary for operating the company's line of railway on the Weston road or leading to any of the cross streets leading into or from the Weston road, or for the purpose

pose of leading to any track allowance or rights of way or lands adjacent to the Weston road where the company's line deflects from the Weston road or to the company's works, power houses or car sheds, and the company may with the consent of the council of the village of Weston from time to time alter such culverts, switches, turnouts and sidings, the number and location of such culverts, switches, turnouts and sidings to be approved by said council.

7. All tracks laid on any portion of the street or road shall conform to the grade of the street or road, as provided in said profiles and cross-sections.

8. The company shall at all places where switches, turnouts and sidings are constructed macadamize or gravel the portion of the travelled road within and alongside of such switches and turnouts and sidings in the same manner as herein provided for the main line.

9. The company shall forthwith proceed to lay down and maintain ballast or gravel to the satisfaction of the council of said village for the whole length of the track now constructed between the rails and outside the rails for a width of eighteen inches, and as nearly as practical flush with the rails, and in case the village should change the material with which the roadway is constructed then the company will forthwith change the said portion of the road and use similar material. This clause shall apply to the portions of the rail or tramway hereafter to be constructed upon construction.

10. If the company neglects to lay down and maintain the track allowances as aforesaid, and the culverts, crossings, switches, turnouts or sidings referred to in this agreement, or to make the necessary repairs according to this agreement, the village may give notice to the company requiring such work to be done forthwith, and the resolution of the council of the said village for the time being as to the necessity for such work shall be binding and conclusive upon the company, and if after giving of such notice the company does not within one week begin, and thereafter with all reasonable diligence carry on such work to completion, the village shall have the right to cause such work to be done, and the company shall pay to the village the expenditure incurred in doing or completing such work upon demand.

11. At the intersection of the company's railway and cross-streets or highways crossing or leading into the Weston road, the company shall construct and keep in repair crossings for vehicles and for foot passengers of a similar character to those adopted by the village, and shall construct underneath its track allowances such culverts and waterways as are in the opinion of the council of the village necessary for drainage purposes, and shall at the entrances to private properties which the company's railway crosses construct and maintain such driveway approaches wherever the council of the village directs. Where the company's track is built over any existing culverts, then the company shall extend such culverts as may be directed by the council of the village so that the travelled road shall have a width of eighteen feet, provided the width of the constructed road will permit between the company's track and the end of the culvert on the opposite side of the road. There shall also be fender planks the thickness of the depth of the rail and twelve inches wide, spiked close to each rail on the inside and outside of said rails at street crossings, as may be required by the council aforesaid, or their engineer, the same to facilitate the crossing of said rails by vehicles.

12. The company may at any time hereafter change the gauge or rails upon its rail or tramway now constructed or that may be hereafter constructed by the said company under any authority of the council of the village of Weston, from the now or then existing gauge or rail to such gauges or rails as may from time to time be adopted by the company.

13. All work necessary for changing the said gauge or rails shall be done in a most substantial manner, according to the best modern practice, to the satisfaction of the engineer of the village for the time being.

14. The company shall have the right to remove the snow from and within its tracks and switches, provided that any snow put upon the graded part of the road by the company shall be evenly spread thereon in a manner to be approved by the council of the village. In no case shall  
chemicals



chemicals except salt be used to remove snow or ice except at switches or turnouts.

15. In case the electric motors or cars used by the company in operating its railway whilst passing along the railway cause alarm to any horses travelling or being upon the Weston road with vehicles or otherwise, the motors or cars of the company shall if necessary be stopped to enable the horses so alarmed to pass without accident or injury, and if necessary the servants of the company in charge of such motors or cars shall assist the person or persons riding or driving, or in charge of such horse or horses, in endeavoring to prevent accident or injury to such person or persons, horse or horses, or to vehicles or other property of persons travelling, using or upon the Weston road.

16. The company shall run passenger cars over all their line now constructed and over the parts thereof to be constructed upon construction each way at least every half-hour from six o'clock a. m. to eleven o'clock p. m., or as much more frequently as the traffic shall warrant.

17. The speed of the cars shall not exceed or be increased beyond fifteen miles per hour.

18. Passenger car conductors shall clearly announce the names of cross-streets, cross-roads and public squares and post-offices as the cars reach them.

19. The village may at any time after giving to the company twenty days' notice of its intention so to do take up any part of the street or road along which the company's railway is constructed for the purpose of altering the street or road or the grade thereof, constructing sewers, drains, culverts or side crossings, laying down gas or water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation without being liable to the company for any injury or damage that may be occasioned thereby. When and so often as it may be necessary for the village to open the road or street for the purpose of repairing such street or road, sewer, drain, culverts, gas or water services a reasonable notice shall be given to the company of the village's intention so to do and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof, and the said village corporation shall not in any such case be liable to the company for any injury or damage that may be occasioned thereby. Provided however and in case the village should interfere with, remove or otherwise derange the company's track or works or any part thereof the village will replace the same at their own expense in the same condition as before interference within a reasonable time.

20. The fare from any part of the village of Weston to any point on the company's system or railway in the town of Toronto Junction or return shall be five cents. A class of tickets to be used within the village shall be sold at the rate of ten tickets for twenty-five cents.

21. Constables, firemen and mail carriers when on duty in uniform or wearing authorized badges in the employ of the village shall be carried free.

22. Cars are to be of a modern design as in general use for service and comfort including lighting and such as are in general use for electric railways, and shall be heated from the first day of November to the first day of April. They must be kept clean inside and out. Passenger cars are to be used exclusively for the conveyance of passengers and their personal baggage or baskets, not exceeding 25 pounds for each passenger, but such baggage or baskets shall not take up any seating space if required by passengers but a special or combination class of cars may be used for freight.

23. Cars shall always be stopped clear of cross streets. Cars shall have the right of way as provided in the *Street Railway Act* governing said company, and vehicles or persons are not to obstruct or delay their operation but drivers and conductors must at all times exercise every reasonable care for the safety of the public.

24. All work done under the authority of this agreement shall be done in a most substantial manner and according to the best modern practice to the satisfaction of the engineer of the village of Weston for the time being.

25. The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be as shewn on said plan, profiles and cross-sections.

26. The rails to be used by the company may be center bearing "T" rails, and the cars and motors to be used on the said railway within the village and all erections, appliances and material to be used on the said railway within the village shall be of an approved modern design and to the satisfaction of the council of said village.

27. The company shall pay such engineer as may be employed by the village and such solicitor as may be employed by the village for all services performed by them in connection with and on behalf of the company.

28. All persons using the said portions of the Weston road shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being agreed however that the company's cars shall have the right of way over the said railway as provided by the *Street Railway Act*, and the village will on request pass a by-law for regulating the traffic and conduct of all persons travelling upon the streets and highways upon which the railway is laid in the said village, which by-law shall contain a provision that all vehicles or persons travelling on that portion of the highway occupied by the railway shall turn out upon meeting or being overtaken by any of the company's cars so as to give them right of way. The motorman shall sound a gong or bell when approaching crossings or vehicles on the track.

29. The rights and privileges authorized by this agreement shall extend over a period of twenty years from the date of these presents and said period shall be renewed or extended for a further term of ten years. And in the event of legislation being sought or required to authorize such renewal for such further term of ten years the said village hereby agrees at once on request being made by the company to aid in procuring such legislation. And the said company shall have the exclusive right for the said period of twenty years and the said extended period of ten years as far as the village has power to so grant to operate a street railway on Weston road through the village of Weston.

30. Upon the expiration of the rights, privileges and franchises granted by this agreement the company shall be entitled to a renewal of the same for a like period, and upon the expiration of such renewed term to further renewals thereof but in case of any renewal upon such terms and subject to such conditions, covenants, provisos and stipulations as may be agreed upon between the village and its successors on the one part and the company and their successors and assigns on the other part, and in case the said parties are unable to agree then upon such terms, conditions, covenants, provisos and stipulations as may from time to time on each such renewal be determined upon by arbitrators to be appointed under the provisions of *The Municipal Act*, provided however that at the expiration of the existing privileges and franchise hereby granted the village may, upon giving notice in writing of their intention to the company six months prior to the expiration of the said existing privileges and franchise, and at the expiration of any fifth year thereafter upon giving one year's notice to the company assume the ownership of their railway or tramway as a going concern, and all real and personal property in connection with the working thereof upon payment of the value of the railway and the property as a going concern to be determined by arbitration. And the privileges of the company shall continue until the ownership is assumed by the village as aforesaid. (Subject to prior existing rights of other municipalities).

31. The company agrees to build the extension of the railway to the post-office as herein provided, except as such construction may be delayed by any act of the village or its officials, or other act over which the company have not absolute control.

32. In case of neglect or failure on the part of the company to run cars the required number of trips as provided in this agreement, the company shall in such case forfeit and pay to the village for each day that cars are not run, as provided herein, the sum of twenty dollars as liquidated damages, and not as a penalty, but this clause shall not apply in case of neglect to run cars during days when it is impossible to run them by reason of bad weather, any act or deed of the village or any other municipality,

cipality, accident to the road bed or machinery, strike among the employees or other unavoidable causes.

33. All the property of the company used in connection with the working of the railway and other objects covered by this agreement and appertaining thereto, and the income derived therefrom by the company, shall be exempt from taxation and from all local improvement rates and charges for a period of ten years from the date hereof and as far as the village has the power to grant the same or to recommend the same such exemption, shall continue and be for the further period of ten years thereafter, and the village consents to any necessary legislation in that behalf.

34. The company agrees as soon as they instal an electric light plant to supply the said village and residents with street lights and interior lights at such rates and under such conditions as may be agreed upon between the company and the village.

Provided that said rate when fixed shall not be changed for a period of five years, and provided further that if such electric light plant be installed within the period of two years from this date, the said company shall have the exclusive right to contract for the supply of said lights for said term of five years.

35. There shall be no unnecessary delay on the part of the village or its officers in the getting of any certificate required by any of the provisions of this agreement, but the village and its officers shall and will in all things, so far as it is consistent with their duty, aid and assist the company in carrying out this agreement.

36. The company will construct, maintain and operate its railway in the manner and upon the conditions in this agreement set forth, and will faithfully perform, fulfil and keep all the conditions, covenants and agreements in this agreement expressed and contained, or on the company's part to be performed, fulfilled and kept.

37. In the event of any differences arising between the village and the company as to any matter or thing to be done or performed under the terms of this agreement, then the same, except as hereinbefore provided, shall be referred for determination under the provisions of the act relating to arbitrations, and references to the senior judge of the county of York for the time being, and an appeal shall lie from his decision to the high court of justice or other superior court having jurisdiction in this Province in such matters, and from that court an appeal shall lie to the court of appeal for Ontario, but no further or other appeal shall lie from the decision of the court of appeal for Ontario. And the parties hereto covenant and agree one with the other to institute no further or other appeal.

38. In the event of legislation being required to confirm this agreement or any clause or provision thereof, the village agrees to support such legislation at the expense of the company.

39. The company will indemnify and hold harmless the said village from all loss, costs, damages and expenses of any kind that may be incurred in consequence of any litigation or threatened litigation in connection with anything done or permitted under the provisions of this agreement or in consequence of the construction or operation or existence of the company's railway or other works.

40. No motive power other than electricity shall be used by the company except with the approval of the council of the said Village of Weston.

41. Fenders shall be placed on all cars for the protection of the public, to the satisfaction of the council of the village.

42. The company shall remove at its own expense all material excavated in constructing its roadbed, and shall spread such material on the sides of the street at such places and in such manner as is satisfactory to the council of the village of Weston, or its engineer for the time being.

43. Wherever earth is removed by the company fresh gravel or stone shall be laid in a manner satisfactory to the council of the village, or to its engineer for the time being, between the rails and for a space eighteen inches wide on each side of the rails.

44. The company covenants and agrees with the village, the right thereto being previously acquired by said village, that it will remove the telegraph poles necessary for the purpose of performing the provisions of this



this agreement on the side of the said Weston road to such points and in such manner as may be directed by the council of the village of Weston, and that the company will pay all expenses connected with such removal.

45. The company shall be compellable to commence the construction of that portion of the railway lying beyond the point in Weston road opposite the post-office and extending to Humber street of the said village, as soon as the profits of their railway shall be sufficient to cover the cost of such extension and the increased expense occasioned by the operation thereof, but the cost of installing a new power plant shall not be included in operating expenses, but nevertheless the said company shall be permitted to construct and operate such portion or any less portion thereof whenever they may desire to do so.

46. Wherever it is considered desirable or advantageous in the operation of the said railway to construct a switch or belt line for the more convenient and expeditious turning or handling of the rolling stock of said company, the said company shall have the right to construct and complete for operation and maintain such switch or belt line along any street or streets intersecting Weston road or connecting such intersecting street through and upon any park or other property of the said village, in use for park purposes, subject in all cases, however, to the consent of the council of said village, and the approval as to manner, location and construction, of the village engineer for the time being, and subject to the provisions of this agreement.

47. The rails, poles, wires and other material used in the construction of the railway already constructed within the village are hereby declared to be and are the property of the company.

48. The company shall have the right and are hereby authorized to carry freight, express or mail matter within or through the village.

49. In the event of any work of construction, grading, excavating, or any alterations in the existing roadway becoming necessary because of the construction of said railway where the same passes under the Grand Trunk Railway bridge, or in the event of any work being ordered by the railway committee of the Privy Council at the said points, the company shall pay all expenses of and incidental to such work, and the maintenance and repair of the same, and all costs and expenses of or incidental to any proceedings at law and any appearance before said railway Committee.

This agreement and all covenants and provisions herein contained shall be binding upon and shall enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the council of the said the corporation of the village of Weston have caused the corporate seal of the said village to be affixed hereto by the hands of the reeve and clerk thereof, and the said The Toronto Suburban Street Railway Company, Limited, has caused its corporate seal to be hereunto affixed by the hands of R. Wilson Smith, President, and S. A. A. Watt, Secretary thereof.

The Toronto Suburban Street Railway  
Co., (Limitd).

R. WILSON SMITH,  
President. [Seal]

S. A. A. WATT,  
Secretary.

W. J. CHARLTON,  
(Reeve). [Seal]

R. H. LEIGHTON,  
(Clerk).

Signed, Sealed and Delivered  
in the presence of

E. P. HEATON.

J. T. FRANKS,  
(Witness for Reeve and Clerk).

## SCHEDULE B.

*(Section 4.)*

This indenture made this Fourth day of September, in the year of our Lord one thousand eight hundred and ninety-nine, between the municipal corporation of the township of York, hereinafter called the township, of the first part, and The Toronto Suburban Street Railway Company, Limited, hereinafter called the company of the second part.

Whereas, by a certain indenture bearing date the 20th day of April, 1891, and made between the township and the Davenport Street Railway Company, Limited, the said last mentioned company was granted the right to operate street railways upon Davenport road and Bathurst street as therein set out; and

Whereas, by a certain other indenture bearing date the 27th day of August, 1894, made between the township and the company, the company was granted the right to operate street railways upon that part of Weston road and a deviation thereof as is therein described; and

Whereas, by a certain act passed in the 57th year of Her Majesty's reign, being chapter 94, the company was incorporated and was thereby granted power to acquire and did subsequently acquire the rights, powers and franchises of The Davenport Street Railway Company, Limited, under the two hereinbefore in part recited agreements and said agreements were by said act confirmed and declared to be valid and binding upon the parties thereto; and

Whereas, it has been agreed between the parties hereto that the agreements hereinbefore in part recited shall be terminated, and that this agreement shall be entered into in substitution for the same, but upon the terms and conditions hereinafter set out and contained:

Now this agreement witnesseth:

1. The company shall have the exclusive right to construct, maintain and operate an iron or steel rail or tramway, single and double tracks, subject to the conditions hereinafter specified upon and along (a) Davenport road, in the township of York, from the northern limit of the city of Toronto to the eastern limit of the town of Toronto Junction, and that part of Bathurst street between the said Davenport road and the northerly limit of the city of Toronto; (b) Weston road, in the township of York; (c) a deviation of said Weston road from its intersection with the south-westerly limit of the Weston road to its intersection with the northerly limit of the town of Toronto Junction; (d) Dundas street, from the westerly limit of the town of Toronto Junction to the easterly limit of the township of Etobicoke; (e) the road allowance between the fifth and sixth concessions west of Yonge street, of the township of York, and the roadway connected therewith leading southerly to the northerly limit of the village of Weston, sometimes known as Weston road, and also the part leading therefrom westerly to and across the Humber river, sometimes known as the Albion road; (f) the side road allowance between lots 20 and 21, in the sixth and seventh concessions west of Yonge street, in the township of York, to the easterly limit of the township of Etobicoke, and the deviation therefrom across the River Humber; (g) the concession road allowance between the sixth and seventh concessions west of Yonge street, in the township of York, from the river Humber northerly to the old toll road leading to Woodbridge, and along the same northwesterly to and including the town line; (h) and over any lands which the company may acquire or may expropriate under the provisions of the statute in that behalf, but the exclusive privilege shall not extend to the erection of poles.

2. No motive power other than electricity or horse power shall be used without the consent of the township in any way at any time.

3. The location of the company's tracks not already constructed shall be located according to plans, profiles and cross-sections to be made by the township engineer and approved of by the township council.

4. The company for the purpose of operating its railway may (a) lay down such tracks, rails, cables, conduits and sub-structures upon such streets,

streets, roads, highways and bridges as may be occupied by the company's railway under this agreement; (b) maintain and erect such poles and wires as may be necessary upon and along such of the streets, roads and highways of the township as the said company may from time to time deem requisite or necessary for the purpose of carrying wires and supporting the appliances necessary for operating the company's line or lines of railway, and for conducting electricity in connection with any of the purposes provided for in the various Acts relating to the company; and provided that the township shall have the right to lay out the line in which the said poles may be erected, and provided further that no wires shall be strung at a less height than fourteen feet from the ground; (c) shall construct, put in and maintain such culverts, switches, turnouts and sidings as may from time to time be found to be necessary for the operation of the company's lines of railway on the streets herein set out or leading to any cross streets leading into or from any of the said streets, roads or highways, or for the purpose of leading to any track allowances or rights of way on lands adjacent thereto where the company's line or lines deflect from said streets, roads or highways, or to the company's power houses and car sheds, and the company may from time to time alter the location of such culverts, switches, turnouts and sidings, but that not more than two parallel tracks shall be laid in any one place without the consent of the township.

5. All tracks laid on any portion of the travelled street or road shall, so far as is practicable, conform to the street or road, and shall be laid flush with the streets so as to cause the least possible impediment to the ordinary traffic of the streets.

6. The company shall, where the rails are laid upon the travelled portion of the road, keep clean and in proper repair that portion of the travelled road between the rails, and for eighteen inches on each side of the rail or rails lying on or being next to the travelled road, and in default the township may cause the same to be done at the expense and proper cost of the company.

7. The company may deflect its line from the said streets, roads and highways and operate the same across and along private properties after expropriating the necessary rights of way under the provisions of the statutes in that behalf or otherwise acquiring the same, and the township agrees upon demand being made by the company to pass by-laws from time to time to enable the company to expropriate such lands as may be necessary for their purposes at the proper costs and charges of the company.

8. At the intersection of the company's railway and cross streets or highways crossing the said streets, roads or highways, and at entrances to private properties now existing, or may hereafter be required, the company shall construct and keep in repair for the width of the railway, and eighteen inches on the outside of each rail, crossings of a similar character to those adopted by the township, and shall construct underneath its track allowances such culverts and waterways as are necessary for drainage purposes.

9. The company may at any time hereafter change the gauge of its railway now constructed, or that may be hereafter constructed, by the said company under any authority of the township from the now or then existing gauge to the standard railway gauge, being four feet eight and one-half inches, or to such gauge as may hereafter be adopted as a standard electrical railway gauge, or to such gauge as be in use upon the street railways or tramways in the city of Toronto, in the discretion of the company, and may with the consent of the township change the rail now in use by the said company on its railway now or hereafter to be constructed.

10. All works necessary for changing the said gauge or rail shall be made in a substantial manner according to the best modern practice.

11. The Company shall have the right to remove the snow from and within its tracks turnout sidings and switches provided that any snow put upon the graded or travelled part of the road by the Company, shall be evenly spread thereon and in such manner as not to interfere with public travel.



12. In case the electric motors or cars used by the company in operating its railway whilst passing along the railway cause alarm to any horses travelling or being upon the said streets with vehicles or otherwise the motors or cars of the company, shall if necessary be stopped, and the servants of the company in charge of such motors or cars shall if necessary assist the person or persons driving or riding or in charge of such horse or horses that may be alarmed.

13. The company shall (unless prevented by accident, strikes or other unavoidable cause) run at least one passenger car each way every half hour between the hours of 6 o'clock and 10 o'clock in the forenoon, and between 5 o'clock and 8 o'clock in the afternoon, and during the remaining portion of the time between 6 a.m. and 11.30 p.m. the company shall run at least one passenger car each way every hour. Such service to be each lawful day in the year over Bathurst street from the Canadian Pacific Railway crossing at the foot of Bathurst street to and along Davenport road to the eastern limit of the town of Toronto Junction in accordance with a regular time table to be settled and approved of by the township council.

14. The company shall each lawful day in the year (unless prevented by accident strikes or other unavoidable cause) run at least one passenger car every half hour between the hours of 6 o'clock in the forenoon and 11 o'clock in the afternoon over Weston road between the northerly limit of the town of Toronto Junction and the southerly limit of the village of Weston, and provided the traffic is sufficient to warrant such service, such service shall also be given on Dundas street between the town of Toronto Junction and the village of Lambton Mills, in accordance with a regular time table to be settled and approved of by the township council.

15. The speed of the cars shall not exceed or be increased beyond twenty miles an hour. All motors and cars run upon the company's railway for the purpose of carrying milk, shall be stopped for the purpose of loading or unloading milk cans at such stations or stopping places as are from time to time designated by the township, provided, however, that in determining the places at which stops are to be made no more than three stopping places in any mile section shall be designated.

16. Passenger car conductors shall clearly announce the names of the streets, cross roads and public places as the cars reach them.

17. The township may at any time after giving to the company seven days notice of its intention so to do take up any part of the street or road along which the company's railway is constructed for the purpose of altering the street or road grade constructing sewers, drains, culverts or side crossings, laying down gas or water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith. When and so often as it may be necessary for the township to open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes or underground wires or putting in gas, water or other services a reasonable notice shall be given to the company of the township's intention so to do and the work thereon shall not be unnecessarily delayed, but shall be carried on and completed with all reasonable speed due regard being had to the proper and efficient execution thereof. The said township after the completion of any such works and improvements shall leave the said railway line rails and substructure in substantially the same state and condition as before the commencement of any such works or improvements.

18. The fares to be charged by the company shall not exceed a rate of three cents per mile provided, however that if the rate per mile be hereafter fixed by any Act having general application to railways at a less rate than three cents per mile then the fares to be charged shall not exceed the rates so fixed by such Act, but the company shall not be bound to carry any passenger any distance for less than five cents. A special class of tickets shall be sold good to be used only on that portion of the line of railway lying between the Canadian Pacific Railway crossing at Bathurst street and the eastern limit of the town of Toronto Junction at the rate of ten for twenty-five cents, each ticket to be good for one continuous passage either way.

19. The company may use its railway for the conveyance of freight, goods, merchandise and passengers.

20. All persons using the said street or streets shall be at liberty to travel upon any portion of the roadway occupied by the company's railway and in the same manner as upon other portions of the highway and vehicles of every description are to be allowed upon such portion of the highway, it being provided however, that the company's cars shall have the first right of way over the said railway and all vehicles of persons travelling on that portion of the highway occupied by the railway shall turn out upon meeting or being overtaken by any of the company's cars so as to give them full right of way provided however, that no person shall be allowed upon any bridge or part thereof built by the company or solely for the company's use, but such bridge or bridges shall be guarded.

21. The company shall be liable for and shall indemnify the township against all damages arising out of the construction repair or operation of the Company's railway or arising out of the existence of the company's railway, poles, ties or other material upon the roads whether such damages are occasioned while running at a speed authorized by this agreement or otherwise and for and against the township's cost and expenses of and incidental to claims for such damages.

22. The alignment of the company's track the location of switches and the grades of the roadbed of its railway shall be prescribed by the township engineer or such engineer as the township may appoint for the purpose and all work done under the authority of this agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the said engineer with a right of appeal to the township council and the company shall pay to the said engineer or engineers such compensation for his services as the township may from time to time certify.

23. The rights and privileges conferred by this agreement shall extend over a period of twenty years from the date of these presents which said period shall be renewed or extended for a further period of ten years in the event of legislation being obtained enabling this to be done and the township hereby agreed upon the request of the said company to forthwith aid in procuring such legislation. Upon the expiration of the term of thirty years granted by this agreement or at such other time as this agreement may be terminated the township shall grant to the company a renewed agreement for a further term of twenty years upon such terms and conditions as shall be mutually agreed upon between the township and the company or determined by arbitration under the provisions of the Municipal Act, and so on at the end of each term of twenty years will grant further renewals for a like term under and subject to the same covenants provisoes and agreements as are herein contained except in so far as the same may be varied by mutual agreement or by arbitration as aforesaid provided however if at the expiration of any one of such terms the company or the township is unwilling to renew on the terms determined upon by arbitration the township may at its option take over the railway and all the real and personal property necessarily used in connection with the working of the said railway at a value to be determined by agreement or arbitration as aforesaid and the privileges of the company shall continue until the ownership is assumed by the township.

24. There shall be no unnecessary delay on the part of the township or its officers in the granting of any certificate required by any of the provisions of this agreement but the township and its officers shall and will in all things so far as is consistent with their duty aid and assist the company in carrying out this agreement.

25. In the event of any differences arising between the township and the company as to any matter or thing to be done or performed under the terms of this agreement then the same as hereinbefore provided shall be referred for determination under the provisions of the Act relating to arbitrations and references to a judge of the County of York for the time being and an appeal shall lie from his decision to the High Court of Justice or other superior court having jurisdiction in this province in such matters and from that court an appeal shall lie to the Court of Appeal for Ontario, but

but no other or further appeal shall lie from the decision of such Court of Appeal for Ontario.

26. The township shall enact and pass a by-law exempting all the property of the company and the income derived therefrom from taxation for a period of ten years and may renew such exemption for a further period of ten years thereafter, provided however that this exemption shall not apply to school or county rates.

27. The company shall grant running rights over that portion of their railway on Bathurst Street from the Canadian Pacific Railway crossing to Davenport Road and on Davenport Road to one other bona fide railway company operating a street railway and having ingress to the city of Toronto upon such terms as may be mutually agreed upon between the company and the company applying for such running rights or in case of disagreement upon such terms and conditions as may be determined upon by arbitration under the provisions of the Municipal Act ; provided however that any company applying for such running rights shall pay all costs of and incidental to such negotiations and any agreement made in connection therewith and of and in connection with any arbitration that may be held for the purposes aforesaid and shall deposit with the company a sufficient sum of money to cover the same at the time the application is made.

28. Should the company neglect to keep their track or roadway in good condition according to the terms of this agreement or to have the necessary repairs according to this agreement made thereon, the township may give notice requiring such repairs to be forthwith made and it is agreed between the parties hereto, that a certificate of the engineer for the time being of the township as to the necessity of such repairs in order to keep the said track or roadway in good condition according to the terms of this agreement shall be binding and conclusive upon the company and if after such notification given requiring such repairs to be made the company do not within ten days begin and carry to completion with all reasonable diligence and complete such repairs within thirty days from the receipt of such notice or such further time as the said engineer may allow the franchise granted by this agreement shall be null and void and at an end, and the township shall be at liberty at their option to remove the rails of the said company and to place the said highway in a proper state of repair at the expense of the said company the company agreeing to pay for such work on demand.

29. Proper fenders shall be placed on all cars.

30. The company may erect poles and wires for the supply of electricity for light, power and heat on all and any of the streets, roads and highways of the municipality, but such right shall not be an exclusive right.

31. After the year 1901 the company shall upon request of the township construct and operate their line of railway on Davenport Road, east of Bathurst Street and on the streets, roads and highways running north from the northern limit of Weston village such line or lines to be complete and in operation within a period (not less than six months) to be fixed by by-law passed by a majority vote of all the members of the township council.

32. In case the company shall refuse, decline or fail to construct a line or lines of railway as provided in section 31, the franchise of such portion of the street, road or highways as the company shall not within the time fixed by the by-law hereinbefore referred to have built upon shall revert to the township.

33. This agreement shall not be binding upon the parties hereto so far as the same applies to that portion of Dundas street lying between the western limit of the town of Toronto Junction and the present terminus of the railway at the village of Lambton Mills until the agreements between the county of York, the town of Toronto Junction and the company bearing dates respectively the 31st day of October, 1895, and the 5th day of October, 1891, granting certain rights to the company, shall have been cancelled or terminated.

34. The company shall, except where the same are inconsistent with this agreement, be subject to all by-laws of the township now or hereafter in force in respect to highways.



35. The words "township engineer" shall include and be construed to mean as well as the township engineer, any qualified engineer that may be appointed by the council of the township for any or all of the purposes mentioned in this agreement.

36. All the rights and privileges granted by the township and as contained in this agreement shall be subject to confirmation by the Legislature of the Province of Ontario before they are binding upon the parties hereto. And the township agrees to support such legislation and hereby consents and agrees to the same.

37. Nothing in this agreement contained shall affect the validity of by-law No. 1,530 of the township of York to authorize the issue of debentures, but the same shall be binding upon the parties affected thereby and the confirmation of this section of the said agreement by the Legislature of the Province of Ontario shall be a confirmation of the said by-law No. 1,530.

38. The several clauses of the Street Railway Act, of the R. S. O. and of every Act in amendment thereof at present applicable to the company shall apply to the company except only so far as they may be inconsistent with the terms of this agreement.

39. In the event of this agreement being voided or forfeited then the rights of the parties as they existed prior to the execution thereof shall remain unaffected and as if this agreement had not been entered into.

In witness whereof the said township have caused their Corporate Seal to be hereunto affixed and the Reeve and Clerk have set their respective hands and the said company have signed, sealed and delivered this Indenture the day and year first above written and the President and Vice-President and the Secretary thereof have set their respective hands and seals on behalf of the said company.

TORONTO SUBURBAN STREET RY. CO. LIMITED.

E. P. HEATON, Vice-President.

S. A. A. WATT, Secretary.

[Seal of Co.]

Signed, sealed and delivered,  
in the presence of

ALLAN H. ROYCE.

HENRY DUNCAN,  
Reeve.  
W. A. CLARKE,  
Clerk.

[Seal of Corp'n.]

SCHEDULE C.

By-Law No. 240.

A BY-LAW TO CONFIRM AN AGREEMENT BETWEEN THE CORPORATION OF THE VILLAGE OF WESTON AND THE TORONTO SUBURBAN STREET RAILWAY COMPANY, LIMITED.

The municipal council of the corporation of the Village of Weston enacted as follows :—

That the agreement between the corporation of the Village of Weston and the Toronto Suburban Street Railway Company set forth in Schedule A to this by-law is hereby confirmed, and the Reeve and Clerk are hereby authorized and directed to affix the seal of this corporation to the said agreement.

Cor-  
porate  
Seal.

(Sgd) W. J. CHARLTON,  
Reeve.

R. H. LEIGHTON,  
Clerk.

Passed the 4th day of November, 1898.

Certified a true copy,

R. H. LEIGHTON,  
Clerk.

## CHAPTER 125

## An Act to incorporate the Victoria Mines Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS Ludwig Mond of the City of London, England, Preamble.  
 Chemical Manufacturer ; Walter Hague Holland, of the  
 Township of Denison in the District of Algoma, Manager ; D.  
 Gilbert Gordon, of the City of Toronto in the County of York,  
 Doctor of Medicine, and John Murray Clark, of the said City  
 of Toronto, one of Her Majesty's Counsel, have by their peti-  
 tion prayed for an Act of incorporation under the name of  
 "The Victoria Mines Railway Company" for the purpose of  
 constructing, maintaining and operating a steam railway from  
 a point at or near lot twelve in concession four in the Town-  
 ship of Denison, in the District of Algoma, in an easterly and  
 southerly direction through said township to the Sault branch  
 of the Canadian Pacific Railway about midway between  
 Whitefish and Worthington, also from a point at or near lots  
 four and five in concession three in the Township of Garson  
 in the District of Nipissing through the Townships of Blezard  
 and McKim to the Stobie branch of the Canadian Pacific Rail-  
 way together with power to construct branch lines ; and  
 whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :—

1. The said Ludwig Mond, Walter Hague Holland, D. Gil- Incorpor-  
ation.  
 bert Gordon and John Murray Clark and such other persons  
 and corporations as shall hereafter become shareholders in the  
 said Company are hereby constituted a body corporate and  
 politic under the name of "The Victoria Mines Railway Com-  
 pany" hereinafter called the "Company."

2. The said company is hereby authorized and empowered Location of  
line.  
 to survey, lay out, construct, complete, equip, maintain and  
 operate a steam railway with double or single iron or steel  
 tracks from a point at or near lot twelve in concession  
 four in the Township of Denison in the District of  
 Algoma in an easterly and southerly direction through said  
 township to the Sault branch of the Canadian Pacific Railway  
 about midway between Whitefish and Worthington, also from  
 a point at or near lots four and five in concession three in the  
 Township

Township of Garson in the District of Nipissing through said township and McKim and Blezard Townships to the Stobie branch of the Canadian Pacific Railway.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said Ludwig Mond, Walter Hague Holland, D. Gilbert Gordon and John Murray Clark with power to add to their number shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion exclude anyone from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, in the County of York, or at such other place as may best suit the interest of the said company.

Rev. Stat. c. 207.

Power to take or purchase lands for elevators, etc.

6. The said company shall, in addition to their other powers to take or purchase lands, have power to purchase, and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon elevators, storehouses, warehouses, engine-houses, docks, and other erections for the uses of the said company, and the same or portions thereof, in their discretion to sell or convey, and also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway



railway passes, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream or water-course.

7. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the laws of Ontario, and no Registrar or Master of Titles shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyance of lands to company.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions for stock not binding until approved.

9. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to company.

10. Any municipality through which the said railway passes and having jurisdiction in the premises, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession of or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Carrying line over highways

11. The capital stock of the company hereby incorporated shall be \$200,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into two thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and

Capital stock.

and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First general meeting.

**12.** When and as soon as shares to the amount of \$20,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said City of Toronto of the time, place and purpose of the said meeting

Directors, election of.

**13.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect five persons or such other number as may be determined by by-law to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat. c. 207.

Qualification of directors.

**14.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Construction of line by sections.

**15.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than three miles in length; and upon such deposit as aforesaid of the map

Rev. Stat. c. 207.

map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

**16.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company. Right of aliens.

**17.** The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 19 of this Act. Calls.

**18.** The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payments in paid up stock or bonds.

**19.** The head office of the said company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the said company shall be held in such place in the said City of Toronto, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place. Head office. General annual meeting.



Special general meeting.

**20.** Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section

Bonds powers.

**21.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000, for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario*, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 207.

Bonds transfer of.

**22.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable instrument.

**23.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging or pledging bonds.

**24.** The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Acquiring rolling stock.

**25.** It shall be lawful for the directors of the company to enter upon an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or

or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

**26.** The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said mines and of the said company.

**27.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situated may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

**28.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities

of

Telegraph and telephone

Bonuses from municipalities.

Submitting bonus, by-laws to ratepayers.

Rev. Stat.  
c. 223.

of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat.  
c. 223.

(3) In the case of other municipalities the petition shall be that of a majority of the members of the municipal council, or of twenty resident freeholders, who are qualified voters under *The Municipal Act* and the amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Terms of  
by-laws.

**29.** Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the municipality, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

(2) For assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be) an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers hereof, are hereby authorized to execute and issue in such cases respectively.

Petition  
against  
submitting  
by-law.

**30.** In case of aid from a municipality, twenty resident freeholders thereof may petition the municipal council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the municipality, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court or district objecting, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law

is



is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

**31.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county or district municipality. "Minor municipality." Meaning of.

**32.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit for expenses before by-law submitted.

**33.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law when approved.

**34.** Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. Issue of debentures.

**35.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for the payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Rate on portion of municipality.

**36.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. Application of Rev. Stat., c. 223, to bonus by-laws.

**37.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided, that no such extension shall be for a longer period than one year. By-laws extending time for commencement of work.

**38.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided

provided that no such extension shall be for a longer period than one year at a time.

Limit of  
municipal  
rate.

Proviso.

**39.** Any municipality, or portion of a municipality interested in the construction of the railway of the said company, may grant aid by way of bonus to the said company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the rateable property therein.

Exemptions  
from  
taxation.

**40.** The corporation of any municipality, through any part of which the railway of the said company passes or is situated may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of  
land to  
company.

**41.** Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Trustees of  
municipal  
debentures.

**42.** Whenever any municipality or portion of a municipality shall grant aid by way of a bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees,

trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

43. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Victoria Mines Railway Company Municipal Trust Account," and to pay the same out to the said company from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of proceeds of debentures.

44. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees of trustees.

45. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat. c. 207.

46. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, of line.

Taking material for construction of line.



thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat.  
c. 207.

Sidings to  
gravel pits.

Rev. Stat.  
c. 207.

**47.**—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purposes of repairing and maintaining the said railway.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Warehouses,  
docks, etc.

**48.** The said company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Snow fences.

**49.** The said company shall have the right on and after the 1st day of November in each year to enter into and upon any lands

lands of Her Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

**50.** The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, The Manitoulin and North Shore Railway Company, The Nickel Belt Railway Company, The Sudbury and Nipissing Railway Company and The Grand Trunk Railway Company of Canada, if lawfully empowered to enter into such agreement upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Running  
arrangements  
with C.P.R.  
Ry. Co.

**51.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Shares, trans-  
fer of.

**52.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collecting  
back charges  
on goods.

Application of  
provisions of  
Rev. Stat.  
c. 207.

53. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Time for com-  
mencement  
and comple-  
tion.

54. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

## SCHEDULE A.

(Section 7.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*), in consideration of dollars paid to me (or us) by The Victoria Mines Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*), in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Victoria Mines Railway Company, their successors and assigns, forever (*here insert any other clauses, covenants and conditions required*), and I (or we), the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand nine hundred

Signed, sealed and delivered }  
in the presence of }

[L.S.]

## SCHEDULE B.

(Section 43.)

CHIEF ENGINEER'S CERTIFICATE, THE VICTORIA MINES RAILWAY COMPANY'S OFFICE, NO. A.D. 19 , ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Victoria Mines Railway Company Municipal Trust Account, given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, Chief Engineer of the Victoria Mines Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of 19 , between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).



## CHAPTER 126

## An Act to incorporate the Wabigoon, Manitou and Rainy Lake Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS Thomas McLaughlin, of the City of Toronto, Preamble.  
 Francis H. Sangster, John Rawson Lumby and Lawrence Rutherford Johnstone, all of the Village of Wabigoon in the Province of Ontario; Herbert H. Beck, of the City of Winnipeg, in the Province of Manitoba; Christopher Conway Robinson, Thomas B. Speight and William James Clark, all of the City of Toronto in the County of York and the Province of Ontario, have by their petition prayed for an Act of incorporation under the name of "The Wabigoon, Manitou and Rainy Lake Railway Company," for the purpose of constructing, maintaining and operating a railway from a point on the south-eastern end of Minnetakie Lake to Mine Centre, all in the District of Rainy River and Province of Ontario, and from a point on the Canadian Pacific Railway between Dryden and Tache Station, southerly (east of Manitou Lake), to a point on the Ontario and Rainy River Railway between Fort Francis and Sturgeon Falls, and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition:—

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Thomas McLaughlin, of the City of Toronto; Francis H. Sangster, of the Village of Wabigoon; Herbert Henry Beck, of the City of Winnipeg; John Rawson Lumby, of the Village of Wabigoon; Lawrence Rutherford Johnstone, of the said Village of Wabigoon; Christopher Conway Robinson, Thomas B. Speight and William James Clark, all of the City of Toronto in the County of York, and such other persons and corporations as shall hereafter become shareholders in the said company Incorporation

company, are hereby constituted a body corporate and politic under the name of "The Wabigoon, Manitou and Rainy Lake Railway Company," hereinafter called "the Company."

Location of  
line.

2. The said company is hereby authorized and empowered to survey, lay out, complete, construct, equip, maintain and operate a steam or electric railway with double or single iron or steel tracks, from a point on the south eastern end of Minnetakie Lake to Mine Centre, all in the District of Rainy River and Province of Ontario, and from a point on the Canadian Pacific Railway between Dryden and Tache Station southerly (east of Manitou Lake), to a point on the Ontario and Rainy River Railway between Fort Francis and Sturgeon Falls; and the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act* and any Act or Acts amending the same.

Rev. Stat.  
c. 223.

Gauge.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

Provisional  
directors.

4. The said Thomas McLaughlin, Francis H. Sangster, Herbert Henry Beck, John Rawson Lumby, Lawrence Rutherford Johnstone, Christopher Conway Robinson, Thomas B. Speight, and William James Clark, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act, by the shareholders.

Powers of  
provisional  
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and to procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors

Rev. Stat.  
c. 207.

directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, in the County of York, or at such other place as may best suit the interest of the said company.

6. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Conveyances  
of land to  
company.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions  
for stock,  
when binding.

8. The said company may receive from any government or from any persons or bodies corporate, municipal, or politic, who may have powers to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to com-  
pany.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into ten thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements

Capital stock  
Rev. Stat.  
c 207.



ments of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall be given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality, from the capital stock of the said company, or be allowed to it in payment of stock.

First general  
meeting.

**10.** When and as soon as shares to the amount of \$100,000 of the capital stock of the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said City of Toronto of the time, place and purpose of the said meeting.

Directors.

**11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than seven persons nor more than fifteen persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and the Railway Act of Ontario, and the said board may employ and pay one of their number as managing-director.

Qualification  
of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon and holds such stock absolutely in his own right.

Construction  
of line in  
sections.

**13.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through  
which

which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

14. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company. Rights of aliens.

15. Whenever any municipality or portion of a township shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered, to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place, at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of

Trustees of  
municipal  
debentures.

of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

**16.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Wabigoon, Manitou and Rainy Lake Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

**17.** The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Bonding powers.

**18.** The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000, for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat. c. 207.

Transfer of bonds.

**19.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable instruments.

**20.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100 and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary



secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as therein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to the bearer, or intended to be circulated as money or as the notes or bills of a bank.

21. The said company, may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway, Pledging bonds.

22. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons for leasing, hiring, or use of any locomotives, carriages, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on and also to enter into agreements with any railway company or companies, if so lawfully authorized for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon. Agreements with other companies.

23. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of the said railway or branches and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing. Telegraph and telephone lines.

24. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time Calls.

time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided, in section 28 of this Act.

**25.** The company shall have power and authority—

Warehouses,  
docks, etc.

(1) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops, machine shops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold and operate as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Erect necessary  
buildings, wharfs,  
etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Powers as  
to production  
and use of elec-  
tricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway and for the lighting and heating the rolling stock and other property of the company;

Lease or  
sell electricity  
not required  
for railway.

(4) To sell or lease any such electricity not required for the purpose aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section.

Rev. Stat.  
c. 200.

Acquiring  
rights for con-  
veying elec-  
tricity.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

26.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Construc-  
on streets,  
etc.

(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c.  
223, s. 632.

27. The provisional directors, or the elected directors, may pay, or agree to pay, in paid up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payments in  
bonds or paid  
up stock.

28. The head office of the said company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the said company shall be held at such place in the said City of Toronto, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Head office,  
general an-  
nual meeting.

29. Special general meetings of the shareholders of the said company may be held at such places and at such times and in

Special gen-  
eral meetings.



in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Municipal  
bonuses.

**30.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law, for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Submitting  
bonus by-laws  
to ratepayers.

**31.** Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Terms of mun-  
icipal by-laws.

**32.** Such by-law shall in each instance provide.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the company or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, reeves, mayors, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

**33.** In the case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

**34.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county or district municipality.

"Minor municipality," meaning of.

**35.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit before by-law submitted.

**36.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Passing by-law when approved by ratepayers.

**37.** Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided

Bonus debentures issue and disposal of.

provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed, under this Act.

Rate on  
portion of  
municipality.

**38.** In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of  
Rev. Stat., c.  
223, to bonus  
by-laws.

**39.** The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of  
time for com-  
mencing work.

**40.** The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Extension of  
time for com-  
pleting work.

**41.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Limit of rates  
in aid of rail-  
way proviso.

**42.** Any municipality or portion of a township municipality, interested in the construction of the railway of the said company may grant aid by way of bonus to the said company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Proviso.

Exemptions  
from taxation.

**43.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years,



years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

44. Any municipality through which the said railway may pass or is situate, is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes, connected with the running or traffic of said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of  
lands from  
municipalities

45. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land, over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the railway line only, the company may purchase hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Purchase of  
whole lots.

Rev. Stat.  
c. 207.

46. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the lands from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring  
lands for  
supply of  
materials.

Rev. Stat.  
c. 207.

47.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may inter-

Sidings to  
gravel pits.

Rev. Stat.  
c. 207.

vene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of maintaining and repairing the said railway.

Rev. Stat.  
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Running  
arrangements  
with C. P. R.  
Co. and O.  
and R. R. Co.

48. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company and the Ontario and Rainy River Railway Company, if lawfully empowered to enter into such an agreement, upon terms to be approved of by two thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Shares—  
transfer of.

49. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Snow fences.

50. The company shall have the right on and after the first day of November in each year to enter into and upon any lands

lands of Her Majesty, or into or upon any lands of any corporation of persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect to such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

**51.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Back charges on goods.

**52.** The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in the whole or in part, either in cash or bonds; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same. Contracts for construction, etc.

**53.** The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and and be deemed to be a part of, this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act*, and of every Act in amendment thereof, so incorporated with this Act. Application of Rev. Stat. c. 207.

**54.** The railway shall be commenced within three years and finally completed within five years after the passing of this Act. Time for commencement and completion.

## SCHEDULE A.

### (Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors), in consideration of \_\_\_\_\_ dollars paid to me (or us) by The Wabigoon, Manitou and Rainy Lake Railway Company, the



the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*), in consideration of                      dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Wabigoon, Manitou and Rainy Lake Railway Company, their successors and assigns, forever (*here insert any other clauses, covenants and conditions required*), and I (or we), the wife (or wives) of the said                      , do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this  
day of                      one thousand nine hundred.

Signed, sealed and delivered {                      [L. S.]  
in the presence of }

SCHEDULE B.

(Section 16.)

Chief Engineer's Certificate.

The Wabigoon, Manitou and Rainy Lake Railway Company's Office.  
No.                      A.D. 19  
Engineer's Department.

Certificate to be attached to cheques drawn on the Wabigoon, Manitou and Rainy Lake Railway Company Municipal Trust Account given under section                      , chapter                      , of the Acts of the Legislature of Ontario, passed in the                      year of Her Majesty's reign.

I, A. B., Chief Engineer of the Wabigoon, Manitou and Rainy Lake Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.                      of the township of                      (or under the agreement dated the                      day of                      , 19                      , between the corporation of                      and the said company) to entitle the said company to receive from the said trust the sum of                      (*here set out the terms and conditions, if any, which have been fulfilled.*)

## CHAPTER 127

## An Act to incorporate the Woodstock, Thames Valley and Ingersoll Electric Railway Company.

*Assented to 30th April, 1900.*

**W**HEREAS James H. Armstrong, of the City of Erie, in the State of Pennsylvania, one of the United States of America, manufacturer; S. Ritter Ickes, of the City of Harrisburg, in the said State of Pennsylvania, physician; Dennis W. Karn, manufacturer, Edward Walter Nesbitt, agent, Robert Notman Ball, Esquire, and James Gamble Wallace, Esquire, all of the Town of Woodstock, in the County of Oxford have by their petition prayed for an Act of incorporation under the name of "The Woodstock, Thames Valley and Ingersoll Electric Railway Company," for the purpose of constructing and operating a railway in and through the Town of Woodstock, in the County of Oxford, from thence through the Township of West Oxford to, in and through the Town of Ingersoll, in the said County of Oxford; also a branch extending through the unincorporated Village of Beachville through the Townships of North Oxford and West Zorra, to, in and through the Village of Embro, with the further power to extend the said branch to some point in the said Township of West Zorra, northerly from the said Village of Embro, in the said County of Oxford, and also have by their petition prayed that a by-law of the said Town of Woodstock, numbered 1066, passed the fourteenth day of February, 1900, be ratified and confirmed; and, whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said James H. Armstrong, S. Ritter Ickes, Dennis W. Karn, Edward Walter Nesbitt, Robert Notman Ball and James Gamble Wallace, and such other persons, firms and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Woodstock, Thames Valley and Ingersoll Electric Railway Company."

Incorporation.

Location of  
line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, equip, maintain, and operate by electricity, and from time to time remove and change a double or single track, iron or steel railway of the gauge of four feet eight and one-half inches, with one or more branch or branches, and with all necessary side tracks and turn outs for the passage of cars, carriages, and other vehicles adapted to the same, in and through the Town of Woodstock, in the County of Oxford, from thence through the Township of West Oxford, to, in and through the Town of Ingersoll, in the said County of Oxford; also a branch extending through the unincorporated Village of Beachville, through the Townships of North Oxford and West Zorra, to, in and through the Village of Embro, with the further power to extend the said branch to some point in the said Township of West Zorra northerly from the said Village of Embro, in the said County of Oxford, with power to build any part or branch of said railway in sections, and the said railways, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*, and any Act or Acts amending the same, but the company shall not have power to construct its road on or over the streets of the Town of Ingersoll notwithstanding any rights it may have as purchasers, users or lessees of the Woodstock and Ingersoll gravel road, without first securing permission from the said municipality.

Provisional  
directors.

3. James H. Armstrong, S. Ritter Ickes, Dennis W. Karn, Edward Walter Nesbitt, Robert Notman Ball and James Gamble Wallace, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

Number of  
directors.

4. The number of directors shall be not less than five, nor more than nine.

Head office.

5. The head office of the said company shall be at the said Town of Woodstock, and all meetings of the provisional board of directors of the company shall be held at the said Town of Woodstock, or at such other place as may best suit the interests of the company.



6. The capital stock of the company shall be \$400,000, to Capital stock. be divided into 4,000 shares of \$100 each.

7. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the said company. Annual meeting.

8. The provisional directors, or the elected directors, may pay or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for the right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters, or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Making certain payments in paid-up stock or bonds.

9. The company may make special rates for the carriage of fruit, milk and other perishable goods. Tolls on fruit milk, etc.

10. The company may make and enter into any agreement for the purchase of the rights of the owner or owners of any toll road upon or along which the proposed line of railway may run, and may retain and operate any such toll road under the provisions of *The General Road Companies Act*. Power to purchase and operate toll roads.  
Rev. Stat. 193.

11. Any municipality through which the said railway passes, and having jurisdiction in the premises may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any individual, firm or company, with the consent of and subject to the conditions imposed by such road-owner, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway. Laying rails on highways.

12. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting. Running arrangements and connections with other companies.

meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Application of  
Electric Rail-  
way Act.

13. The several clauses of *The Electric Railway Act*, and of every act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein, shall be understood to include the clauses of the said Electric Railway Act, and of every act in amendment thereof so incorporated with this Act.

By-law  
No. 1066 of  
Town of  
Woodstock  
confirmed.

14. By-law No. 1066, of the Municipal Corporation of the Town of Woodstock set forth in Schedule A to this Act is hereby confirmed and declared legal, valid, and binding upon the said municipal corporation, notwithstanding any want of jurisdiction on the part of the municipality to pass the same, but nothing contained in paragraph 17 of the said by-law shall be construed as purporting or intending to confer any power to operate the railway of the company on the Lord's Day.

Proviso.

15. The railway shall be commenced within six months and completed to the extent of a through connection with the Town of Ingersoll aforesaid, within eighteen months after the passing of this Act, and the Embro branch of the said railway shall be completed within two years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Time for commencement and completion of line.

### SCHEDULE A.

#### BY-LAW No. 1066.

To grant certain privileges to "The Woodstock Thames Valley and Ingersoll Electric Railway Company" and to declare and prescribe the terms and conditions on which its electric railway may be constructed, maintained and worked.

Whereas S. Ritter Ickes, of the city of Harrisburg, in the State of Pennsylvania, one of the United States of America; J. H. Armstrong, of the city of Erie, in the said State of Pennsylvania; Dennis W. Karn, of the town of Woodstock, in the county of Oxford, Province of Ontario; Edward W. Nesbitt of the same place, Robert Notman Ball of the same place, and James Gamble Wallace of the same place, will make application to the Legislative Assembly of the Province of Ontario at the next ensuing session thereof for an Act under the provisions of "*The Electric Railway Act*," to incorporate The Woodstock, Thames Valley and Ingersoll Electric Railway Company with power to construct, equip, maintain and operate an electric railway in and through the town of Woodstock, from thence through the township of West Oxford to, in and through the town of Ingersoll, also a branch extending from the unincorporated village of Beachville, through the townships of North Oxford and West Zorra into the village of Embro, all in the county of Oxford.

And whereas the municipal council of the corporation of the town of Woodstock, by a resolution bearing date the 10th day of July, A.D. 1899, offered to the said S. Ritter Ickes and J. H. Armstrong in trust for a company to be formed, a franchise for a term of fifty years for the building and operating of an electric railway in and upon certain of the streets of the said town of Woodstock upon the following conditions, that is to say:—The said railway shall be exempt from taxation by the said town and free from rental or other charges for the first ten years of the said term. That for the second ten years of the said term the said railway shall be free from rental or other charges except taxes. That for the third ten years of the said term the said railway shall pay a yearly rental to the said town of \$500.00 and taxes. That for the fourth ten years of the said term the said railway shall pay to the said town a yearly rental of \$750.00 and taxes. That for the fifth ten years of the said term the said railway shall pay to the said town a yearly rental of \$1,000.00 and taxes.

And whereas the said offer was accepted by the said S. Ritter Ickes and J. H. Armstrong.

And whereas the parties first above mentioned have requested the municipal council of the corporation of the town of Woodstock to pass a by-law granting the franchise aforesaid, and authorizing the construction of an electric railway on such streets of the said town as are hereinafter mentioned and granting to the said company the other privileges hereinafter mentioned, but subject to the conditions and restrictions hereinafter contained.

And whereas notice of the application for this by-law has been duly given pursuant to sub-section 4 of section 9 of "*The Electric Railway Act*" and to section 632 of "*The Municipal Act*" and no one has petitioned to be heard by the said municipal council in respect of this by-law.

And whereas it is expedient to grant the request of the said parties.

Be it therefore enacted by the municipal council of the corporation of the town of Woodstock as follows:—



1. The Woodstock, Thames Valley and Ingersoll Electric Railway Company, its successors and assigns are hereby authorized to lay out construct, make, complete, alter and keep in repair a steel railway to be operated by electricity with single steel tracks with necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same, also to convey electricity required for the working of the railway and heating or lighting the same, and to lay conduits under and erect poles and wires on or over and along and upon the streets in the said town of Woodstock hereinafter named, with all the powers conferred upon such companies by "*The Electric Railway Act*," such powers to continue for and during a term of fifty years from the passing of this by-law, but on the terms and subject to the conditions and stipulations herein-after contained, such streets being the following, that is to say :—Dundas street from Norwich avenue to Mill street, Mill street from Dundas street to Park Row, and Park Row, Finkle street from Dundas street to Main street, Main street from Finkle street to Wellington street, Vansittart avenue from Dundas street to Ingersoll avenue and Ingersoll avenue from Vansittart avenue to Winniett street.

2. The company may carry freight and baggage, as well as passengers, and charge a reasonable compensation for carrying the same ; all freight cars to be approved of by the council of this corporation.

3. The company shall have the right to lease its works or any part thereof, and also the rights and privileges hereby granted, to any person or corporation but subject to the provisions of this by-law.

4. The tracks of the said railway shall be laid as nearly as practicable in the centre of the said streets excepting Mill street, Park Row and Main street, on which streets the tracks may be laid on either side of the street, if desired, provided the laying of the said railway on either side of the said streets does not involve this corporation in any liability for damages to any owner of property along said streets, and in case damage is incurred on account of laying said track on either side of the street as aforesaid, and this corporation becomes liable for such damage the company shall become responsible for the same.

5. The tracks of the said railway shall pass under the Grand Trunk Railway on Mill street, either over a bridge, to be constructed by the company, adjoining on the west the present bridge, or over the present bridge, in which latter case the company shall widen the said bridge sufficiently to enable ordinary vehicles to pass the cars of the company thereon, such widening or addition to the said bridge to be under the supervision of the Board of Works, or of the council.

6. The grades of the streets and the location upon the streets of the poles of the said company shall be under the supervision of the board of works. The poles shall be of cedar, straight, of uniform size, and painted.

7. The rail to be used on the streets in the said corporation shall be a standard "T" rail and shall be laid in such a manner as shall least obstruct the free passage of vehicles and carriages over the same.

8. The tracks of the said railway and all works necessary for constructing and laying the same shall be constructed in a substantial manner, according to the best modern practice.

9. The said company shall construct and maintain in good repair, crossings similar to those for the time being in use by the said corporation on the said streets at the various places of intersection of the track of the said electric railway with any street which the same shall cross to the extent of the width of the track, and eighteen inches on each side thereof, the material for the same to be supplied by the said company.

10. During the operation of laying, removing and relaying the rails a free passage for carriages and vehicles over the streets shall be kept open and unobstructed, and immediately after the rails shall have been laid or relaid, as the case may be, the street material removed or dug up in laying or relaying as aforesaid, shall be either removed from or spread over the street from which the same shall have been taken as shall be directed by the proper authority of this corporation.

11. The corporation of the town of Woodstock, the said council and the officers and servants thereof, shall have the right to take up the streets traversed by the said railway, either for the purpose of altering the grades thereof

thereof, constructing or repairing of drains, sewers or culverts, or of laying down or repairing of gas or water pipes and for any other purpose for the time being within the powers of the corporation, without being liable to the said company for any damages that may be thereby occasioned to the said railway or the works connected therewith or the working thereof, and the said corporation shall not be liable for any damage the said company may sustain from the breakage of any sewer or water pipes, but the said corporation shall in any case use due diligence in making all necessary repairs on such streets, but nothing herein shall be held to interfere with, or limit the rights of any water or gas company incorporated or that may be incorporated in the said town.

12. Whenever it shall be deemed necessary by this corporation to pave any street occupied by the railway track of the company, that portion of the street embraced between the rails of such tracks, switches and turn-outs and eighteen inches on each side of said track shall in the first instance be paved by and at the expense of the said corporation, but thereafter during the continuance of this grant the same shall be kept in repair by the said company at its own cost and charges, and in case any damage to any part of the pavement is occasioned by repairs to the railway the company shall replace or repair the said pavement, all such repairs to be to the satisfaction of the board of works. In case the corporation shall at any time put down any pavement on Dundas street requiring a concrete bed the company whenever the same shall be necessary shall remove the tracks of the said railway to permit the laying of such concrete bed and to replace the same at its own expense to permit the proper laying of the pavement subject to all the provisions of this by-law.

13. Where the company's tracks cross over any bridges the company shall be responsible for all extra repairs, also for the strengthening of said bridges, if necessary, such work to be done under the supervision of the board of works.

14. In case the said company shall fail to keep in good repair the said parts of the said streets upon and along which its tracks shall be laid, as aforesaid, and shall neglect to make such repairs within a reasonable time after notice in writing from the proper officer of the said corporation for the time being, served upon the president or other managing officer of the said company specifying the particulars of such want of repair, then and in such case the said corporation shall be at liberty to cause such repairs to be made and to recover the cost thereof from the said company.

15. Whenever it shall become necessary to remove any snow or ice from the track or tracks of the said company, the same shall be, by the said company, evenly spread over the street so as not to obstruct the free passage of sleighs or other vehicles along the said streets, or removed by the said company as shall be directed by the proper officer of the said corporation, and in no case shall the company make use of salt for the purpose of removing such snow or ice.

16. Whenever by reason of snow or ice the tracks of the said company shall be obstructed to such an extent as to interfere with the running of the cars of the said company, the said company is authorized to use a sufficient number of sleighs, wagons or other vehicles to answer the requirements of traffic until such time as the said cars can be again used, and the said company may charge fares for carriage on the said sleighs, wagons or other vehicles as if the same were cars of the said company and being run on the track of the said company.

17. The number of trips shall not be less than four each way daily unless prevented by unavoidable accident or obstructions caused by storms.

18. The rate of speed shall not exceed ten miles an hour.

19. When the cars of the company are turning the corner from one street to another the same shall not be driven at a rate faster than a horse's walk.

20. No cars shall be allowed to stop on a crossing or in front of an intersecting street except to avoid collision or to prevent injury to persons in the streets or for other good cause, nor shall any car be left on or remain standing on any street at any time unless the same is being used and waiting for passengers.

21. When it is necessary to stop at the intersection of streets to receive  
or

or leave passengers the cars shall be stopped so as to leave the rear platform slightly over the crossing, after having crossed the intersecting street.

22. After sunset the cars shall be provided with colored signal lights for the front and rear.

23. Careful, sober and civil agents, conductors and drivers shall at all times be employed to take charge of the cars of the said company.

24. The cars shall be entitled to the track, and every vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, and any driver of a vehicle refusing to turn out when warned or requested so to do by the driver of any car shall be liable to a fine not exceeding ten (\$10.00) dollars exclusive of costs, to be imposed by any justice of the peace for the County of Oxford having jurisdiction in the said town, and in case of non-payment to be collected by distress and sale of the goods of the offender, and in default of sufficient distress, the offender may be imprisoned in the common gaol for the said County of Oxford for a period not exceeding twenty-one days with or without hard labor.

25. Any conductor or other employee who shall collect of any passenger more than the fare prescribed by law or by the by-laws and regulations of the company, shall on conviction thereof before any justice of the peace for the said County of Oxford, pay a fine of not less than five dollars exclusive of costs, such fine and costs to be levied by distress and sale of the goods of the offender, and in default of sufficient distress the offender may be imprisoned in the common gaol for the said County of Oxford for any term not exceeding twenty-one days with or without hard labor.

26. All the real and personal property of the said company shall be and the same are hereby exempted from taxation for a period of ten years from the passing of this by-law.

27. The said company shall be free from rental or other charges for the first ten years of the said term of fifty years. For the second ten years of the said term the said company shall be free from rental or other charges except taxes. For the third ten years of the said term the said company shall pay to the said Town a yearly rental of five hundred (\$500.00) dollars and taxes. For the fourth ten years of the said term the said company shall pay to the said Town a yearly rental of seven hundred and fifty (\$750.00) dollars and taxes. For the fifth ten years of the said term the said company shall pay to the said Town a yearly rental of one thousand (\$1,000.00) dollars and taxes.

28. The said company shall commence work upon the said railway within six months from the granting of a charter to the said company, and after the work of construction of the said railway shall be commenced the same shall be continued to completion with all reasonable expedition and without delay, and the same shall be completed between Woodstock and Ingersoll within eighteen months from the granting of a charter.

29. The company shall complete the railway connecting Dundas street with the Canadian Pacific Railway station and the Grand Trunk Railway station within eighteen months from the granting of a charter.

30. If the company fail to obtain incorporation within eighteen months from the passing of this by-law or having been incorporated, fail to commence and continue the construction as in section 28 of this by-law is provided, or at any time cease to operate the said railway for one year it shall forfeit all rights under this by-law.

31. This by-law shall not be binding upon this corporation unless and until the said company shall formally accept the same in such manner as to legally bind the said company to perform the same on its part, in which event this by-law shall constitute a complete contract between the said company and this corporation.

32. The said company shall make application to the Legislative Assembly of Ontario for an act to ratify and confirm this by-law.

Read a first time, January 12, A.D. 1900; read a second time, January 22, A.D. 1900; passed in committee, February 5, A.D. 1900; read a third time and passed, February 14, A.D. 1900.

(Sgd.) JOHN MORRISON, [L.S.] (Sgd.) JAS. J. SCARFF,

Town Clerk.

Mayor.



## CHAPTER 128

## An Act respecting The Algoma Commercial Company, Limited.

*Assented to 30th April, 1900.*

**W**HEREAS The Algoma Commercial Company, Limited, Preamble.  
 was incorporated under the provisions of *The Ontario Companies' Act* by Letters Patent under the Great Seal bearing date the 27th day of December, 1899, with the rights, powers and privileges in the said Letters Patent mentioned; and whereas the said company desires to have its incorporation confirmed, and to be authorized to engage in mining and other operations incidental thereto without thereby becoming subject to *The Ontario Mining Companies' Incorporation Act*, and to other Acts of the Legislature of Ontario, and to have its powers increased and added to, and has, by its petition, prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The incorporation of The Algoma Commercial Company, Limited, on the 27th day of December, 1899, by Letters Patent set out in the schedule to this Act is confirmed and declared to be legal and valid, and the said company is declared to be a body corporate and politic, duly incorporated under the provisions of *The Ontario Companies' Act* with the rights, powers and privileges in the said Letters Patent of incorporation mentioned. Incorporation confirmed.

2. In addition to all other rights, powers and privileges conferred on the said company by said Letters Patent of incorporation and by *The Ontario Companies' Act* and amendments thereto, the said company shall have the powers mentioned and set out in section 4 of *The Ontario Mining Companies' Incorporation Act* but save as aforesaid none of the provisions of the said *Ontario Mining Companies' Incorporation Act* shall apply to or affect the said company. Companies to have powers given by Rev. Stat., c. 197, s. 4 par. a to i.

3. The said company has and has had from the date of incorporation power to subscribe for, take, hold or purchase the shares, stock, bonds and debentures or other securities of any company heretofore or hereafter incorporated, having for its Purchasing stock, etc., in other companies.

its object, or any of its objects, the promotion of any of the objects which the said The Algoma Commercial Company, Limited, is authorized to carry out, or any object ancillary thereto or connected therewith, and the said The Algoma Commercial Company, Limited, may advance money by way of mortgage or otherwise thereon and may sell, assign, transfer hypothecate or otherwise dispose of such shares, stock, bonds, debentures or other securities, but nothing in this section contained shall authorize the said company to carry on the general business of a loan corporation within the meaning of *The Loan Corporations' Act*, and the said Act shall not apply to the said company.

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## SCHEDULE A.

LETTERS PATENT INCORPORATING THE ALGOMA COMMERCIAL COMPANY,  
LIMITED.

O. MOWAT.

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## CANADA.

### PROVINCE OF ONTARIO.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, greeting

Whereas, *The Ontario Companies' Act* provides that with the exceptions therein mentioned, the Lieutenant-Governor of Our Province of Ontario-in-Council may by Letters Patent under the Great Seal create and constitute bodies corporate and politic for any of the purposes or objects to which the legislative authority of the Legislature of Ontario extends.

And whereas, by their petition in that behalf, the persons herein mentioned have prayed for a charter constituting them a body corporate and politic for the due carrying out of the undertaking hereinafter set forth.

And whereas, it has been made to appear to the satisfaction of Our Lieutenant-Governor-in-Council that the said persons have complied with the conditions precedent to the grant of the desired charter, and that the said undertaking is within the scope of the said Act.

Now, therefore, know Ye, that by and with the advice of the executive council of Our Province of Ontario, and under the authority of the herebefore in part recited statute and of any other power or authority whatsoever in Us vested in this behalf, we do by these Our Letters Patent create and constitute the persons hereinafter named, that is to say: Francis Hector Clergue and Bertrand Joseph Clergue, manufacturers; Ernest Victor Clergue, manager and Henry Coulthard Hamilton, barrister-at-law, all of the town of Sault Sainte Marie, in the district of Algoma and Province of Ontario, and Edward Varian Douglas, Walter Pearce Douglas and Frank Spencer Lewis, all of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, manufacturers, and

any

any others who have subscribed to the memorandum of agreement of the company and their successors, respectively, a corporation for the purposes and objects following, that is to say:—(a) As a contractor to construct railways and public and private works of all kinds, and to equip the same, and to operate any of the works constructed by the company, except railways; (b) To acquire by legal title mines and mining lands, timber and timber lands and other lands, and to lease, sell or otherwise dispose of the same; (c) To manufacture and sell the products of raw materials. The corporate name of the company to be The Algoma Commercial Company, Limited. The share capital of the company to be ten million dollars, divided into two hundred thousand shares of fifty dollars each. The head office of the company to be at the said town of Sault Sainte Marie, and the provisional directors of the company to be Francis Hector Clergue, Bertrand Joseph Clergue, Ernest Victor Clergue, Henry Coulthard Hamilton, Edward Varian Douglas, Walter Pearce Douglas and Frank Spencer Lewis, hereinbefore mentioned.

In testimony whereof, we have caused these Our Letters to be made Patent and the Great Seal of Our Province of Ontario to be hereunto affixed.

Witness: The Honourable Sir Oliver Mowat, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Member of Our Privy Council for Canada, and Lieutenant-Governor of Our Province of Ontario.

At Our Government House in Our City of Toronto in Our said Province this twenty-seventh day of December, in the year of Our Lord, one thousand eight hundred and ninety-nine, and the sixty-third year of Our reign.

By command,

J. R. STRATTON,  
Provincial Secretary.

J. M. GIBSON,  
Attorney-General.

Recorded 6th day of January, A.D. 1900, as No. 54.

JOHN F. USSHER,  
Deputy-Registrar.



## CHAPTER 129

## An Act respecting The Canada Permanent and Western Canada Mortgage Corporation.

*Assented to 30th April, 1906.*

## Preamble.

WHEREAS the Canada Permanent and Western Canada Mortgage Corporation (hereinafter called the "Mortgage Corporation") was incorporated by an Act of the Parliament of Canada, being chapter 101 of the Statutes of 1899, entitled *An Act to incorporate The Canada Permanent and Western Canada Mortgage Corporation*, whereby it was provided that the Mortgage Corporation might acquire and undertake the whole or any part of the business, property and liabilities, and the name and good-will of The Canada Permanent Loan and Savings Company, the Western Canada Loan and Savings Company, The Freehold Loan and Savings Company and The London and Ontario Investment Company, Limited (hereinafter called the "selling companies;") and whereas the several said selling companies have by their respective boards of directors duly executed and have by their respective shareholders in several general meeting assembled duly confirmed and ratified agreements with the said Mortgage Corporation for the purchase, sale and transfer of the business, property, assets and liabilities, and the name and good-will of the several said selling companies, each and every of such agreements being to the effect of the agreement set out in the Schedule hereto, and the said agreements having been duly confirmed and ratified as aforesaid each and every of them on the 11th day of April, 1900; and whereas the said Mortgage Corporation and the selling companies are desirous that the agreements between them respectively should be confirmed and validated, and that the business, property, franchise, name and good-will of each of the said respective selling companies should be transferred to and vested in the said Mortgage Corporation to its own use and benefit absolutely; and whereas it is expedient to confirm, validate, transfer and vest accordingly; and whereas in the event of the said transfer of the business, property, assets and liabilities of the several said selling companies to the said Mortgage Corporation the said Act of Incorporation provided as therein appears for the reduction and extinction of all liability in respect of the unpaid portion of partly paid-up shares; and whereas it is expedient to provide for the reduction and extinction of the said liability as hereinafter provided.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The several said agreements are hereby ratified, confirmed and validated and shall as from the said 11th day of April, 1900, have the effect of granting, assigning, transferring and setting over unto the said Mortgage Corporation, its successors and assigns, to its and their own use absolutely, all the assets interests, rights, franchises, credits, effects and property, real personal and mixed, of whatsoever kind and wheresoever situate, of or belonging to the said selling companies or to which the said selling companies were on the said 11th day of April, 1900, or would thereafter have been or have become entitled, and shall also have the effect of transferring to and imposing upon the said Mortgage Corporation the liabilities, debts and duties of the said selling companies.

Purchase of assets, etc., of amalgamation company.

2. All the assets, interests, rights, franchises, credits, effects and property, real, personal and mixed, of whatsoever kind and wheresoever situate, belonging to the said respective selling companies or to which they are or may be or become entitled, shall be and the same are hereby declared to have been as from the said 11th day of April, 1900, transferred to and vested in the said Mortgage Corporation, its successors and assigns, to its and their own use and benefit absolutely for all the estate, right, title, interest, claims, properties and demands which the said respective selling companies had or were entitled to have on the said 11th day of April, 1900, or to which the said respective selling companies would thereafter have been or become entitled, and the said Mortgage Corporation shall have and is hereby empowered to exercise all the powers, rights and privileges in relation to the said assets, interests, rights, franchises, credits, effects and property, real, personal and mixed, of whatsoever kind and wheresoever situate, as the said respective selling companies had or might have had, and no suit, action or proceeding being carried on or power being exercised shall be discontinued or abated by or on account of this Act, but the same may continue in the name of the selling company originally party to the suit, action or proceeding, and the said Mortgage Corporation shall have the same rights and remedies and be subject to the same liabilities, debts and duties, and shall pay and receive the like costs as if the suits, actions or proceedings had been commenced or defended in the name of the said Mortgage Corporation.

Assets of certain loan companies transferred to Mortgage Corporation.

3. All liability whatsoever upon or in respect of the unpaid portion of the partly paid-up shares in the capital stock in any of the selling companies shall by mere effluxion of time be reduced by five equal annual amounts at the end of one, two, three, four and five years respectively from the said 11th day of April, 1900, so that the end of the said

Certificate of registration.

fifth year all liability whatsoever upon or in respect of the unpaid portion of the said partly paid-up shares shall be absolutely extinguished: provided always that no such annual reduction shall take effect unless and until such of the liabilities of the selling company concerned as had arisen before the passing of this Act and shall have matured up to the time when application is made for such a certificate as is next hereinafter mentioned shall have been met by the Mortgage Corporation and proof of the same given to the satisfaction of the Registrar of Loan Corporations, who shall thereupon issue his certificate to the effect that all liability whatsoever upon or in respect of the unpaid portion of the partly paid up shares in the capital stock of the selling company named in his certificate has been reduced or extinguished (as the case may be) as set forth in his certificate and his certificate shall be final and conclusive as to the matters certified to therein. The partly paid up shares referred to in this section shall as against creditors whose claims shall arise subsequent to the passing of this Act be deemed fully paid up shares.

Rights of  
creditors  
preserved.

4. Except as provided in section 3 hereof nothing in this Act shall impair or affect the rights of any creditor of the said respective selling companies or either of them or of the said Mortgage Corporation.

Registration of  
instruments.

5. For the purposes of *The Land Titles Act* or of registration under *The Registry Act*, or of *The Bills of Sale and Chattel Mortgage Act* or any other Act of the Province, it shall be sufficient in order to show the transmission of title from any of the said selling companies to the Mortgage Corporation if any instrument affecting lands or interests in land or personal property or interests in personal property included or intended to be included in the several agreements confirmed and validated by this Act recite or mention the title of this Act and the chapter and statute year in which this Act was passed.

## SCHEDULE.

This agreement made the \_\_\_\_\_ day of \_\_\_\_\_ between the company (hereinafter called the vendor) of the one part and the Canada Permanent and Western Canada Mortgage Corporation (hereinafter called "the company") of the other part.

Whereas the vendor has for some time past carried on the general business of a loan and savings company.

And whereas the company has been incorporated by a special Act of the Parliament of Canada, namely Chapter 101 of the Statutes of 1899, for the purpose of carrying on a similar business and more particularly to acquire



acquire the business of the vendor and of respectively upon terms similar to those hereinafter set out ;

And whereas it is provided by the said Act of incorporation that the company may adopt an agreement therein referred to, being to the like effect as these presents.

Now it is hereby agreed as follows :

1. The vendor shall sell and the company shall purchase :

Firstly. The good-will of the said business of the vendor with the exclusive right to use the name of the company in connection with the said business so purchased and to hold out and represent the company as carrying on such business in continuation of the vendor's business and in succession thereto with the right to use the words "late the company" or any other words indicating that the business is carried on in continuation of or in succession to the said

Secondly. All the freehold and leasehold properties belonging to the vendor at the date of these presents or hereafter to be acquired by it.

Thirdly. All mortgages and securities for money now owned or hereafter to be acquired by the vendor.

Fourthly. All the book and other debts due or to become due to the vendor in connection with the said business and the full benefit of all securities for such debts.

Fifthly. The full benefit of all contracts and engagements to which the vendor is or may be entitled to in connection with the said business.

Sixthly. All cash in hand or at any banks and all bills and notes of the vendor in connection with the said business.

Seventhly. All other property to which the vendor is or may be entitled in connection with the said business.

2. The consideration in part for the said sale shall be approximately the sum of

being the estimated value of the assets of the vendor over and above its liabilities to the public less 20 per cent. of such excess of assets over liabilities for reserve, which 20 percent. shall form the nucleus of the reserve fund mentioned in Section 22 of the said Act of incorporation.

3. The said consideration shall be paid and satisfied as follows :

(a) By the allotment to the vendor or its shareholders of and if in any case it shall not be practicable to give to the holder of partly or fully paid-up shares the exact equivalent in value (subject as aforesaid) of such shares in the shape of shares whether partly paid-up or fully paid up in the company the difference in value between the shares theretofore owned by such holder and the shares allotted to him in return therefor shall be paid to such holder in cash.

(b) As the residue of the consideration for the said sale the company hereby undertakes to pay, satisfy and perform all the debts, liabilities, contracts and engagements of the vendor in relation to the said business and to indemnify the vendor and its shareholders and each and every one of them against all proceedings, claims and demands in respect thereof.

4. The company shall be entitled to take over the business of the vendor as of the first day of January, 1899.

5. The vendor and all other necessary parties (if any) shall, at the expense of the company, execute and do all such assurances and things for vesting the said premises in the company and giving to it the full benefit of his agreement as shall be reasonably required.

6. The company agrees with the vendor (the vendor acting therein for itself as a corporation and also acting for each and every shareholder of the vendor) that the company will indemnify and save harmless each and every of the shareholders of the vendor who shall upon receiving the consideration herein specified assign to the company the shares now held by him in the capital of the vendor of and from all liability in respect of any such shares.

7. The vendor shall procure this agreement to be submitted for ratification and confirmation by a meeting of shareholders duly called for that purpose.

8.

8. If this agreement shall not be ratified or shall not be carried into effect before the first day of July next either party may determine the same by notice to the other.

9. In any case or cases in which the parties are not able to agree upon the valuation of the said assets and liabilities or any of them the Chancellor of Ontario may, upon the application of either of the parties, appoint a valuator or valutors whose award shall be final on all and every point submitted.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered  
the presence of

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## CHAPTER 130

### An Act respecting The Central Canada Loan and Savings Company.

*Assented to 30th April, 1900.*

#### Preamble.

WHEREAS The Central Canada Loan and Savings Company of Ontario, hereinafter referred to as the "Provincial Company," was incorporated by Letters Patent under the Great Seal of the Province of Ontario, dated 7th day of March, 1884, issued under the Revised Statutes of Ontario, 1877, chapter 150, entitled *An Act respecting the Incorporation of Joint Stock Companies by Letters Patent*; and whereas the said Provincial Company, by special Act of the said Province, passed in the fifty-third year of Her Majesty's reign, and chaptered 129, obtained further powers and acquired further rights, set out respectively in the said Act; and whereas supplementary Letters Patent under the Great Seal of the said Province were issued to the said Company, dated respectively 8th June, 1893, and 6th May, 1897; and whereas The Central Canada Loan and Savings Company, hereinafter referred to as the "Dominion Company," was incorporated by an Act of the Parliament of Canada, being of the statutes of 1898, chapter 97, entitled *An Act incorporating the Central Canada Loan and Savings Company*, whereby it was provided that the said Dominion Company might acquire all the assets, rights, interests, credits, effects and property, real, personal and mixed, of whatsoever kind and wheresoever situate, belonging to the said Provincial Company, or to which it was or might be or become entitled, and

it

it was further provided that as from a day to be fixed, which day was in the manner provided duly fixed as the first day of December, A.D. 1898, the said Dominion Company should be liable for and subject to, and should pay, discharge, carry out and perform all the debts, liabilities, obligations, contracts and duties of the said Provincial Company; and that any person having any claim, demand, right, cause of action or complaint against the Provincial Company, or to whom the Provincial Company was under any liability, obligation, contract or duty, should have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the said Dominion Company, its directors and shareholders, as such person had against the said Provincial Company, its directors and shareholders; and it was further provided that nothing in the said Act of the Parliament of Canada contained or done in pursuance thereof should take away or prejudice any claim, demand, right, security, cause of action or complaint which any person had against the said Provincial Company or its directors or shareholders, or should relieve the said Provincial Company, its directors or shareholders from the performance of any debt, liability, obligation, contract or duty; and whereas the said Provincial Company duly executed a conveyance and assignment, dated the first day of December, A.D. 1898, granting, assigning, transferring and setting over unto the said Dominion Company, its successors and assigns, all the assets, rights, credits, effects and property, real, personal and mixed, of whatsoever kind and wheresoever situate, belonging to the Provincial Company, or to which it was or might become entitled; and whereas the said Dominion Company executed the said conveyance and assignment and therein covenanted with the said Provincial Company, its successors and assigns, to pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the Provincial Company was then liable or which thereafter it should pay, discharge, carry out or perform, and therein further covenanted to indemnify and save harmless the said Provincial Company in respect thereof; and whereas the said Dominion Company has prayed that the said conveyance and assignment should be confirmed and validated, and that all the property and assets of the said Provincial Company should be vested in the said Dominion Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said conveyance and assignment, bearing date the first day of December, 1898, is hereby ratified, confirmed and validated so that the same shall have the effect of granting, assigning, transferring and setting over unto the said Dominion Company, its successors and assigns, to its and their own use absolutely, all the assets, interests, rights, credits, effects

Conveyance confirmed.



and property, real, personal and mixed, of whatsoever kind and wheresoever situate, of or belonging to the said Provincial Company or to which the said Provincial Company is or shall hereafter be or become entitled.

Assets  
transferred.

2. All the assets, interests, rights, credits, effects and property, real, personal and mixed, of whatsoever kind and wheresoever situate, belonging to the said Provincial Company or to which it is or may be or become entitled, shall be and the same are hereby declared to be transferred to and vested in the said Dominion Company, its successors and assigns, to its and their own use absolutely for all the estate, right, title, interest, claims, properties and demands which the said Provincial Company had or was entitled to have at the date of the passing of this Act or to which the said Provincial Company may hereafter at any time be or become entitled, and the said Dominion Company shall have and is hereby empowered to exercise all the powers, rights and privileges in relation to the said assets, interests, rights, credits, effects and property, real, personal and mixed, of whatsoever kind and wheresoever situate, as the said Provincial Company had or might have had, and no suit, action or proceeding being carried on or power being exercised shall be discontinued or abated by or on account of this Act, but the same may continue in the name of the said Provincial Company, and the said Dominion Company shall have the same rights and remedies and be subject to the same liabilities and duties and shall pay and receive the like costs as if the suits, actions or proceedings had been commenced or defended in the name of the said Dominion Company.

Rights of  
creditors not  
impaired.

3. Nothing in this Act shall impair or affect the rights of any creditor of the said Provincial Company or of the said Dominion Company.

Registration  
of instruments

4. For the purposes of *The Land Titles Act* or of registration under *The Registry Act* or of *The Bills of Sale and Chattel Mortgage Act* or any other Act of the Province it shall be sufficient in order to shew the transmission of title from the Provincial Company to the Dominion Company if any instrument affecting lands or interests in lands or personal property or interests in personal property included or intended to be included in the aforesaid conveyance and assignment recite or mention the title of this Act and the Chapter and Statute year in which this Act was passed.

## CHAPTER 131

## An Act to incorporate The Nepigon Mining Lands Company.

*Assented to 30th April, 1900.*

**W**HEREAS Theodore Horatio Eaton, Clarence Carpenter, Cameron Currie, and Sidney Trowbridge Miller, all of the City of Detroit, in the State of Michigan, and Nicol Kingsmill, of the City of Toronto, Province of Ontario, have petitioned for an Act to incorporate the petitioners as a company, to be called "The Nepigon Mining Lands Company," hereinafter called "the said company," to carry on in all its branches the business of a mining, milling reduction and development company in the Province of Ontario, and to acquire those certain mining locations and other lands and property formerly belonging to the Silver Islet Consolidated Mining and Lands Company, conveyed to or possessed by John Joseph Marvin and Henry Saxton Sibley, and held by them in trust under the provisions of the declaration of trust, bearing date the 26th day of April, A.D. 1890, and endorsed upon certain certificates defining the interest of the parties interested in the said trust, and to confirm and declare binding upon all the certificate holders interested in the said trust the agreement for the formation of a company to hold, work, manage and deal with the property so held by the said John Joseph Marvin and Henry Saxton Sibley; and whereas the consent of more than three-fourths of the certificate holders has been obtained to such incorporation and to the agreement set forth in Schedule B; and whereas the proposed basis of incorporation of the said company appears to be exceptional, and such as could not be embodied in a charter of incorporation under the provisions of *The Ontario Companies' Act* and *The Ontario Mining Companies' Incorporation Act*;" and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Theodore Horatio Eaton, Clarence Carpenter, Cameron Currie, Sidney Trowbridge Miller, and Nicol Kingsmill, together with such other persons, firms and corporations as shall become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate, with perpetual succession and a common seal, under the name of "The Nepigon Mining Lands Company."

2. The said company shall have power to carry on in all its branches the business of a mining, milling, reduction and development company, with all the powers specified in section 4 of

Preamble

Incorporation.

Nature of business

Rev. Stat.,  
c. 197, ss. 4  
and 6.

of *The Ontario Mining Companies' Incorporation Act* and save where varied by the provisions of this Act, all the provisions of the said *The Ontario Mining Companies' Incorporation Act* shall apply to the said company as if the same had been incorporated by letters patent under the said Act.

Rev. Stat.,  
c. 191 to  
apply.

3. Save where inconsistent with the provisions of *The Ontario Mining Companies' Incorporation Act*, and this Act, all the provisions of the sections of *The Ontario Companies Act*, mentioned in section 7 thereof, shall apply and relate to the said company, except sections 23 and 24 thereof.

Supplemen-  
tary letters  
patent.

4. Wherever in *The Ontario Companies' Act* provision is made for obtaining supplementary letters patent for any purpose, the said company may apply under the provisions of section 106 of *The Ontario Companies' Act* for letters patent for any purpose for which such supplementary letters patent might be granted.

Head office.

5. The head office of the said company shall be at the City of Toronto, in the Province of Ontario.

Limit of  
operations.

6. The undertaking of the said company shall be carried on in the Districts of Thunder Bay and Algoma, in the Province of Ontario, or at such other places within the said Province as the board of directors may from time to time determine.

Aliens.

7. Aliens as well as British subjects (whether resident in Canada or elsewhere) may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors or otherwise in said company, and in all other affairs of the said company shall enjoy the same rights and privileges as shareholders as they could do if British subjects.

Capital stock.

8. The amount of capital stock of the said company shall be \$1,500,000, divided into 15,000 shares of \$100 each.

Provisional  
directors.

9. The persons named in section 1 shall be the provisional directors of the said company.

Real estate.

10. All the estate, real and personal, of whatever kind or description, and wherever situate, at the time of the passing of this Act, vested in or possessed by John Joseph Marvin and Henry Saxton Sibley, or which they may hold or be entitled to hold under or subject to the declaration of trust, bearing date the 26th day of April, 1890, set forth in schedule A to this Act, is hereby vested in the said company, discharged of and from the operation and provisions of the trust, created by the said declaration of trust, and the said company shall be liable upon and entitled to all the benefits of all contracts, obligations and debts entered into, incurred by or payable to the said  
John



John Joseph Marvin and Henry Saxton Sibley under the said declaration of trust or in relation to the provisions thereof.

**11.** The provisions contained in the proviso to section 25 Rev. Stat. c. 191, s. 25. of *The Ontario Companies' Act* as to the holding of real estate shall not apply to the lands hereby vested in the said company.

**12.** It shall be lawful for the directors of the said company, Sales or exchanges. upon making sales, leases or exchanges of any real or personal property, or any interest therein, or mining or manufacturing arrangements with any company or corporation, to take in consideration, or in part consideration therefor, shares, debentures or bonds in any such company or corporation, provided that the approval shall be first obtained by resolution of a majority in value of the shareholders of the said company, present in person or by proxy, at a special general meeting called for the purpose, which approval may be general and embrace all matters which from time to time it may be desirable to carry out, or may be given from time to time in reference to any specified matter or matters.

**13.** It appearing that a majority of the certificate holders Agreement confirmed. under the declaration of trust, set forth in schedule "A," have signed the agreement respecting the formation of the said company, set forth in schedule "B," the said agreement is hereby confirmed and declared to be valid and binding on all persons, firms and corporations who have signed the same, and shall be deemed to have been assented to by all the holders of certificates issued by the trustees under the said trust, and shall be binding upon all the certificate holders.

**14.** All the persons who at the time of the passing of this Act are certificate holders, under the declaration of trust set forth in schedule "A," are hereby declared to be shareholders Certificate holders and shareholders. in the said company, and shall, upon the organization of the company, be entitled to demand and receive, under section 15, a share for every certificate surrendered to the company; but no shareholder, after the meeting organizing the company, shall be entitled to exercise any right, or receive any benefit, of being a shareholder until the certificate or certificates of such shareholder be surrendered to the company, or the surrender thereof be dispensed with by the company, and shares of the company issued in exchange therefor.

**15.** The shares in the said company to be issued to certificate holders in exchange for their certificates under the agreement set out in schedule "B" shall be, and the same are hereby declared, when issued, to be fully paid up and unassessable shares, and for the purpose of removing any doubt as to the true meaning of the provision made in respect of cash advances contained in schedule "B," it is hereby declared that the certificates Paid up shares.

tificate holders who have made any such cash advances shall be entitled to receive shares in proportion to twice the amount of their respective advances, and not to twice their respective holdings of trust certificates, and that the shares to be issued in respect of such cash advances shall be, and the same are hereby declared when issued to be fully paid up and unassessable shares.

Liquidation  
of liabilities.

16. The directors may pay, or agree to pay in paid-up stock, such sums as they may deem expedient in liquidation of any liabilities or obligations which the trustees or the trust estate might or could be made liable for, or for which the said company may by virtue of section 10 of this Act become liable, and such shares, when issued under the authority of any resolution of the directors, shall be, and the same are hereby, declared to be fully paid up and unassessable shares.

Remuneration  
of trustees.

Rev. Stat.  
c. 129.

17. The said John Joseph Marvin and Henry Saxton Sibley shall, upon passing their accounts, be allowed under the provisions of *The Trustee Act*, reasonable remuneration for their services as trustees, which shall be paid to them by the said company, and thereafter or upon complying with the directions (if any) of the order or report to be made upon such passing of accounts, the said John Joseph Marvin and Henry Saxton Sibley shall be relieved from all liability under or in respect of their said trust, and discharged therefrom.

Costs.

18. The costs and expenses of and incidental to the procuring of this Act shall be paid by the company and be a charge upon its undertaking.

## SCHEDULE A.

(Section 10).

Know all men by these presents, that whereas, we, John J. Marvin, of the city, county and state of New York, and Henry S. Sibley, of the city of Detroit, county of Wayne, and state of Michigan, trustees for the uses and purposes herein set forth have acquired title to a part and are to acquire title to all of the lands and properties formerly belonging to the Silver Islet Consolidated Mining and Lands Company, a corporation duly organized under the laws of the state of New York, being all the lands and properties the legal title to which was, prior to December 18th, 1882, held for said company by George S. Coe, Peleg Hall, John J. Marvin, Charles A. Trowbridge and Edward Learned, trustees, including also what is known as the Mamainse location, which was conveyed by said George S. Coe, Peleg Hall, John J. Marvin, Charles A. Trowbridge and Edward Learned, trustees, to William P. Dixon, trustee for bondholders—also all property of every name and nature and description, real or personal, the legal or equitable title to which has heretofore at any time been vested in the Silver Islet Consolidated Mining and Lands Company.

Now, therefore, we do declare that we hold all of said lands and properties in trust to sell, convey and dispose of the same for cash or for part cash and part stock or bonds of some corporation to be hereafter formed for the purpose of acquiring title to the whole or some part hereof, and

out of the proceeds thereof to pay the expenses of this trust and to divide the residue among the holders of trust certificates issued by us, bearing even date herewith, the number, value, precedence and disposition whereof is hereinafter set forth. The price at which the whole or any part of said lands shall be sold, the terms and conditions of all sales, the bonuses and commissions to be paid to agents or promoters and the time and manner of sales shall be exclusively within our discretion as trustees, and our action shall be final and binding upon all of the certificate holders, subject only to the following provisos:—

1. Provided, that no sale shall be made except for sufficient cash to pay the expenses of this trust and to pay twenty-five (\$25) dollars on each certificate hereinafter declared to be a preferred certificate.

2. Provided, that no sales shall be made for cash or partly for cash and partly for stock or bonds where the cash consideration shall be less than eight hundred thousand dollars (\$800,000) except the same shall be assented to in writing by the holders of a majority of the certificates actually issued and registered.

3. Provided, that in all cases where we, as trustees, are acting within our powers as herein declared or reserved and are unable to agree, a direction in writing signed by the holders of a majority of the certificates actually issued and registered shall be decisive.

4. Provided, that in the case of the death, refusal to act, or disability of either trustee, his successor shall be chosen by a vote of the registered holders of a majority of the trust certificates actually issued to be called together for that purpose, by the surviving trustee.

The number of the trust certificates to be issued by us shall be four thousand (4,000) numbered from number one (1) to number four thousand (No. 4,000) inclusive.

The names of all certificate holders and the numbers of the certificate held by each shall be registered with us.

The par value of each of said certificates is one hundred dollars (\$100).

Certificates number one (No. 1) to number thirty-four hundred (No. 3,400) inclusive, are hereby declared to be preferred certificates.

Certificates number one (No. 1) to number thirty-two hundred (No. 3,200) inclusive, have this day been issued to the persons whose names, and the numbers of whose certificates have been duly registered with us.

Certificates number thirty-two hundred and one (No. 3,201) to number thirty-four hundred (No. 3,400) inclusive, shall be issued for sale and shall be known as Treasury certificates. But no such certificate shall be sold for less than par value thereof, to wit. one hundred dollars (\$100).

Certificates number thirty-four hundred and one (3,401) to number four thousand (No. 4,000) inclusive, shall be issued to holders of thirteen thousand four hundred dollars (\$13,400) of bonds of the Silver Islet Consolidated Mining and Lands Company, (being so much of the issue of said bonds as was not assigned to the American Exchange National Bank of New York as collateral security) to the amount of principal and interest due thereon and the following creditors: John J. Marvin, B. E. Strong, the Estate of Charles A. Trowbridge, the Estate of Edward Learned, deceased, Kingsmill, Cattanaeh and Symons, and Stickney and Shepard. Said certificates to be applied at not less than their par value to the extinguishment of the claims of said bondholders and creditors. Said certificates to be deliverable to said bondholders and creditors at such times and on such conditions as we, the said trustees may decide.

All monies received from the sale or other disposition of said lands and said properties and all monies received from the sale of treasury certificates shall be applied first to the payment of expenses connected with this trust and the residue shall be divided pro rata between the holders of preferred certificates (but not including unsold treasury certificates) until there shall have been paid upon each of said preferred certificates the sum of twenty-five dollars (\$25).

All further monies and all stock or bonds realized from the sale or disposition of said lands or properties shall belong pro rata to the holders of certificates from number one (No. 1) to number four thousand (No. 4,000) inclusive, so far as the same shall have been actually issued and shall from time to time be paid to and divided between said holders.

Only



Only conveyances executed by both of us said trustees shall operate as valid conveyances of any of said property.

In witness whereof, we have hereunto set our hands and seals this 26th day of April, A.D. 1890.

(Signed) JOHN J. MARVIN.  
HENRY S. SIBLEY.

## SCHEDULE B.

(Section 13).

The lands and premises formerly belonging to the Silver Islet Consolidated Mining and Lands Company, a New York corporation, being all the lands and properties, the legal title to which was prior to December 18th, 1882, held for said company by George S. Coe, Peleg Hall, John J. Marvin, Charles A. Trowbridge and Edward Learned, trustees, including also what is known as the Mamainse Locations, which were conveyed by the trustees aforesaid to William P. Dixon, trustee, for bondholders, and also all property of every name, nature and description, real and personal, the legal or equitable title to which had at any time prior to April 26th, 1890, been vested in the Silver Islet Consolidated Mining and Lands Company, are now held by John J. Marvin, of New York City, and Henry S. Sibley, of Detroit, Michigan, in trust under the terms and conditions of their declaration of trust bearing date April 26th, 1890.

It has been represented to me that a large majority of the parties in interest, holding certificates under said trust, have informally agreed to an incorporation for the purpose of facilitating the handling of the properties, and the payment of taxes and other charges which have accrued against said trust, to that end, I, the undersigned, for my part, as a certificate holder, hereby authorize Frederick T. Sibley, Sidney T. Miller and James Cosslett Smith, jr., all of Detroit, Michigan, who are hereinafter designated as "agents" to take all the necessary and proper steps to organize a corporation either under the laws of the Dominion of Canada, or one of the Provinces thereof, or one of the States of the United States, the form, objects, and location, and amount of the capital stock thereof, and the law or laws under which the same is to be organized, and all matters relating thereto, to be entirely in the discretion of said "agents."

And I further hereby request, instruct and direct the said John J. Marvin and Henry S. Sibley, trustees, so far as my interests are concerned, as soon as the incorporation is complete, and they are requested so to do by said "agents" or a majority of them, to assign, set over, and transfer, absolutely to such incorporated company, all of the aforesaid lands and properties, both real and personal.

It is expressly understood and agreed that shares of capital stock in the incorporated company shall be allotted in proportion to the holdings of certificates under said trust, except that those certificate holders who have heretofore made cash advances for the purposes of said trust shall be entitled to receive shares of stock in proportion to twice their respective holdings of such trust certificates as of April 1st, 1899.

My holding of certificates I agree to deliver up to said corporation for cancellation in exchange for such shares or stock whenever tender of the latter is made to me.

It is further understood and agreed that the foregoing is not to be binding upon me until a majority in interest of certificate holders under said trust shall have formerly agreed to the same effect.

I hold..... Trust Certificates, Nos. ....

(Signed) .....

Dated April 1st, 1899.

## CHAPTER 132

## An Act respecting The Nickel Copper Company of Ontario, Limited

*Assented to 30th April, 1900.*

Preamble.

**W**HEREAS the said company was incorporated by letters patent granted by the Lieutenant-Governor in Council of the Province of Ontario, bearing date the twenty-seventh day of December, 1899; and whereas the said company has completed arrangements for the refining of nickel at the City of Hamilton, in the Province of Ontario, and has also made arrangements for a large and continuous supply of nickel ore and nickel matte for the purpose of refinement, and the further important industry of the manufacture of nickel steel is under consideration and arrangements are already in progress in connection therewith; and whereas a considerable increase of the capital stock of the company will be necessary as well as the further powers hereinafter set forth to enable the company to advantageously carry out its proposed operations; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The letters patent of incorporation of the said company bearing date the twenty-seventh day of December, 1899, are hereby ratified and confirmed. Letters patent confirmed.

2. The capital stock of the said company is hereby increased to the sum of ten million dollars in one hundred thousand shares of one hundred dollars each. Capital stock

3. The said company is hereby authorized and empowered to amalgamate and enter into agreements with and to purchase or acquire the shares, bonds, securities and assets of any other company or companies having objects altogether or in part similar to those of the Nickel Copper Company of Ontario, Limited, and any such other company not possessing powers sufficient for the purpose is hereby by this Act empowered to enter into any such special agreement, and to amalgamate with and to sell and convey its shares, bonds, securities and assets to the Nickel Copper Company of Ontario, Limited. Authority to amalgamate and enter into agreements with other companies.

4.

Certain sections of Rev. Stat. c. 207 incorporated herewith.

4. For the purpose of acquiring the necessary lands required by the company in constructing and establishing railway switches, sidings and spur lines for connecting the works of the company with any railway or railways, and the necessary yard room for the operations of the company in connection therewith, the company shall, in respect of the said lands possess the powers conferred on railway companies under sections 11 to 20 inclusive of *The Railway Act of Ontario* in so far as such sections are applicable and when not inconsistent with this Act or the powers conferred by the letters patent of incorporation of the company; and (a) whenever in the said sections the word "company" occurs it shall mean the company referred to in this Act; (b) whenever in the said sections the word "railway" occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act or the company mean the railway switches, sidings and spur lines for connecting the works of the company with any railway or railways and the yard room required for the operations of the company in connection therewith. Provided that whenever the amount of compensation to be paid by the company for the lands taken or injured under the powers hereby conferred is fixed by arbitration the amount of such compensation shall be fixed by the arbitrators at 20 per cent. over and above the amount of the value of the lands or damages as determined by them.

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## CHAPTER 133

## An Act respecting the Davenport Methodist Church Burying Ground.

*Assented to 30th April, 1900.*

**W**HEREAS Dr. John T. Gilmour, and John P. Bull, of Preamble  
the City of Toronto; George S. Townsley, William  
Farr and William Rowntree, of the Town of Toronto  
Junction; George James Gilbert, Allan Royce, John R. Bull  
and Thomas McLean, of the Township of York, in the County  
of York, have by their petition set forth that they are trustees  
for the Davenport congregation of the Methodist Church  
of certain lands in the Town of Toronto Junction on which a  
church has been erected and a part of which was used as a  
burying ground; that for many years the said ground has  
not been used for purposes of burial, and many of the families  
who formerly used it have acquired burial lots in other ceme-  
teries, and many of the bodies have been removed by friends  
to such other cemeteries; that the lands adjoining the said bury-  
ing ground on three sides have been lowered many feet and it  
has become unsuitable for such a purpose and cannot be con-  
veniently and suitably maintained as such; that the Council  
of the Town of Toronto Junction has passed a by-law prohibit-  
ing further interments within the limits of the said town; that  
they are desirous of obtaining authority to remove the bodies  
and monuments from the said burying ground; and whereas  
it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The said trustees or their successors shall, during the Publication of  
period of one month, publish a notice in the *Ontario Gazette* notice to re-  
and in one newspaper published in the City of Toronto to the move remains.  
friends or relatives of the dead interred in the said burying  
ground notifying them to remove the bodies therefrom within  
six months from the first publication of said notice.

2. Upon and after the expiration of the said six months the Power to re-  
said Trustees and their successors are hereby authorized and move remains  
empowered to remove in a decent and orderly manner from after notice.  
the said burying ground to some other established cemetery the  
remains of any bodies that may not have been removed by  
friends or relatives, and to inter them there in corresponding  
plots as nearly as may be, re-erecting any monuments that  
may mark the place of burial of the said remains.

## CHAPTER 134

An Act vesting certain lands in Richard Tod Wilson in fee simple in trust to sell and dispose thereof and pay the proceeds to Knox Church, Dundas, and for other purposes.

*Assented to 30th April, 1900.*

## Preamble.

WHEREAS by Letters Patent given under the Great Seal of the Province of Upper Canada on the 28th day of June, 1834, the lands and premises hereinafter mentioned were granted unto the Reverend Mark Stark and others in trust for the use of the Presbyterian Congregation in connection with the Church of Scotland; and whereas said Letters Patent contain provisions for the appointment from time to time of new trustees of the said lands; and whereas there are doubts as to whether the appointments from time to time of trustees of the said lands were made strictly in accordance with the said provisions; and whereas it appears that Richard Tod Wilson of the Town of Dundas, in the County of Wentworth, is the sole surviving Trustee of said lands and premises; and whereas the said Presbyterian Congregation in connection with the Church of Scotland is now connected and in communion with the congregation of Knox Church, Dundas, one of the congregations of the Presbyterian Church in Canada, and has no further need of said lands and premises as a congregation in connection with the Church of Scotland; and whereas the said Richard Tod Wilson and the trustees of said Knox Church, Dundas, have by their petition prayed that the various appointments of trustees of the said lands be confirmed and the said Richard Tod Wilson declared the duly appointed and properly constituted trustee of said lands, and that said lands may be declared to be vested in him in fee simple in trust to sell and dispose of the same and to pay the proceeds arising therefrom to said Knox Church, Dundas, to expend in acquiring church property in said Town of Dundas, for the purposes of said Church; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Previous appointment of trustees con-

1. The various appointments from time to time of Trustees purporting to have been made in pursuance of the provisions contained

contained in the Letters Patent above mentioned are hereby confirmed and the said Richard Tod Wilson is declared to be the properly constituted sole surviving Trustee thereunder and said lands, viz.: All and singular that certain parcel or tract of land and premises situate, lying and being in the Town of Dundas, in the County of Wentworth (formerly the Village of Coote's Paradise, in the District of Gore), containing by admeasurement one acre and six tenths of an acre, be the same more or less, being known as Block Lettered "B," south of Ancaster Street and north of South Street in the said Town of Dundas, and which said parcel or tract of land is butted and bounded or may be otherwise be known as follows, that is to say:—Commencing on the south side of Ancaster Street and in the western limit of Church Street, being at the northeast angle of the said block, then south thirteen degrees east four chains more or less to South Street; then south seventy-seven degrees west four chains more or less to Court Street; then north thirteen degrees west four chains to Ancaster Street aforesaid; then north seventy-seven degrees east four chains to the place of beginning, together with all the rights, members and appurtenances thereto belonging, are hereby vested in the said Richard Tod Wilson, his heirs, executors, administrators and assigns in fee simple in trust to rent or sell and dispose of the same and pay the profits arising therefrom to said Knox Church, Dundas, to expend in Church property in said Town of Dundas for the purposes of the said Church.

firmed and R.  
T. Wilson  
declared to be  
sole surviving  
trustee.

Provided however, that the purchaser of said lands shall not be required to see to the application of the purchase money.



## CHAPTER 135

## An Act incorporating the Board of Trustees of the Presbyterian Church in Canada.

*Assented to 30th April, 1900.*

Preamble.

**W**HEREAS by Section 10 of the Act passed by the Legislature of Ontario in the 38th year of Her Majesty's Reign, Chapter 75, intituled "*An Act Respecting the Union of certain Presbyterian Churches therein named*," it was among other things enacted that as soon as the union of the Presbyterian Churches mentioned in the said Act should take place the Presbyterian Church in Canada and any of the trusts in connection with the said Church, and any of the religious or charitable schemes of the said Church might by the name thereof or by trustees, from time to time take by gift, devise or bequest any lands or tenements or interest therein subject to the provisions and conditions therein mentioned; and whereas the union of the said Presbyterian Churches named in the said Act, has since taken place; and whereas the said Presbyterian Church in Canada has by its petition represented that it is desirable that the manner in which the said lands or tenements or interests therein, and also all personal estate which may be given or bequeathed to the said Church should be taken and held for the said Church and also that the manner by which the said lands, tenements or interests therein and also the said personal estate might be conveyed by the said Church should be more clearly defined; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees incorporated.

1. The Reverend Robert H. Warden, D. D., The Honourable Mr. Justice MacLennan, The Reverend William MacLaren, D.D., William Mortimer Clark, Q.C., Adam R. Creelman, Q.C., Hamilton Cassels, Robert Kilgour, and their successors to be appointed as hereinafter mentioned shall be and they are hereby constituted a body politic and corporate by the name of "The Board of Trustees of the Presbyterian Church in Canada."

Property vested in trustees.

2. All gifts, devises, conveyances or transfers of any lands or tenements or interests therein and all assignments, gifts and bequests of personal estate which have been or shall hereafter be made to or intended for the Presbyterian Church in Canada, and any of the trusts in connection with the said church and any of the

the religious or charitable schemes of the said Church by the name thereof except any trusts, schemes or institutions connected with the said Church, which are now or may hereafter be incorporated, shall vest in the said Board of Trustees as fully and effectually as if the assignment, gift, devise, bequest, conveyance or transfer had been made to it, and shall be held by the said Board of Trustees for the benefit of the said Church, or the particular scheme of the said Church or of any of the said trusts in connection therewith to or for which the said real or personal estate has been or may be bought, given, devised or bequeathed.

Trusts.

3. The said Trustees shall at all times on the request of the Committee appointed by the General Assembly of said Church for the management of the said schemes or trusts pay the annual rents, income or produce of any such lands, tenements or interests therein, and of any such personal estate to the Treasurer of the said Church for the benefit of the scheme or trust, for the use of which the said lands, premises or interests therein or personal estate shall be held by the said Board of Trustees, and shall also at the like request sell and convert into money the said lands, tenements or interests therein or securities for money and pay the proceeds of the said sales to the said Treasurer for the benefit of the said scheme or trust, it being expressly declared that no purchaser from said Trustees shall be bound to see that the said request shall have been made, or to inquire as to the application of the said purchase money or the regularity of the appointment of the said Trustees; but the execution of the grant, conveyance, transfer, lease or other instrument shall be deemed sufficient and conclusive when executed as herein-after set forth.

Payment over to treasurer of moneys received by trustees.

4. All gifts, conveyances or transfers of lands which may be made to the Presbyterian Church in Canada as a site for a church, manse, school or cemetery for the use of a congregation not then organized, shall vest in the said Board of Trustees on trust to convey the same to the trustees of such congregation when it shall have been organized under the sanction of the Presbytery within the bounds of which it is situate, or in default of such organization to sell the same.

Lands given to church to vest in trustees.

5. All lands and premises which have been or shall hereafter at any time be held by any trustee or trustees for any congregation which shall have ceased to exist or has become disorganized shall vest in the said Board of Trustees on trust to sell the same and pay over the proceeds of the said sale to the Treasurer of the said Church for the benefit of the Home Mission scheme thereof or as may be otherwise determined by the General Assembly of the said Church.

Lands of congregations which have ceased to exist.

6. The said Board of Trustees may invest from time to time all moneys which may come into its hands for the benefit of the

Investments by trustees.

the said Church or any of the said schemes or trusts in such securities real or personal as the said Board of Trustees may deem expedient, provided always that all lands which may become vested in the said Board of Trustees, otherwise than by way of security, and which shall not be actually required for the purpose of sites for churches, manses or school houses or any other purposes of the Church, shall be sold within ten years after the said lands shall have become vested in the said board.

Election  
trustees.

Quorum

7. The members of the said Board of Trustees shall be elected annually by the General Assembly and shall continue in office until their successors be appointed, and four of the said Trustees shall form a quorum of the said Board, and they shall elect from themselves a Chairman.

Annual  
report.

8. The said Board of Trustees shall annually present a report to the General Assembly in which shall be set forth fully the various moneys, securities and property, real and personal, which shall have come into its hands and also shew the disposition made by it of the interest and income arising from all said moneys, securities and properties.

No personal  
liability of  
trustees for  
failure of  
investments.

9. No personal liability shall attach to any of the individual members of the said Board of Trustees for the failure of any investment or security which may be made by the said Board.

Conveyances  
etc., how to  
be made.

10. All conveyances, grants, transfers, leases or assignments of any of said lands, tenements or securities shall be made by the said board of trustees under their corporate seal which shall be attested by the signatures of the Chairman of the said Trustees, the Treasurer of the said Church and the Chairman, convener or other presiding officer of the committee or trust for whose benefit the lands, tenements or interest therein so disposed of shall have been held, and when so attested shall be deemed sufficient and conclusive.

Rules and  
regulations.

11. The General Assembly of the said Church may from time to time make rules and regulations for the government and guidance of the said Board of Trustees.



## CHAPTER 136

## An Act respecting the Presbyterian Church, Warwick.

*Assented to 30th April, 1900.*

**W**HEREAS D. M. Ross, Robert McKenzie and Hugh F. McKenzie, all of Warwick, the Trustees of the Presbyterian Church, Warwick, have by their petition shown that by a Crown deed, dated the 8th day of March, 1865, conveyed to certain trustees therein named lots numbers three and four on Park Street and the north three acres of the Park lot, bounded on the west by George Street, on the east by Grey Street, on the north by Manchester Street, and on the south by William Street, in the Village of Warwick, in the County of Lambton, and Province of Ontario, containing three acres and eight-tenths of an acre, "for the sites of a church and burial ground for the use and benefit of the Presbyterian congregation in Warwick in connection with the Canada Presbyterian Church," which conveyance was received by the trustees therein named in trust for the purposes aforesaid, and whereas that portion of the population in that locality which consists of members and adherents of the Canada Presbyterian Church, now worship at the Presbyterian Church erected upon a site more conveniently located for said congregation in the Township of Warwick, and have secured more suitable grounds for burial purposes elsewhere, and that it is desirable that the trustees of the said lands in the Village of Warwick be authorized to sell and dispose of the said property whenever an offer therefor shall be received which will meet with the approval of the congregation, and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said D. M. Ross, Robert McKenzie and Hugh F. McKenzie, the Trustees of the Presbyterian Church, Warwick, or their successors in office, are hereby empowered to sell and dispose of, for cash or on credit, or partly for cash and partly for credit, the said lots numbers three and four on Park Street, and the north three acres of the Park lot, bounded on the west by George street, on the east by Grey Street, on the north by Manchester Street, and the south by William Street, in the Village of Warwick, containing three acres and eight-tenths of an acre; provided always that any such sale shall be

Power to sell  
certain lands.

first

first approved by the said congregation at a general meeting thereof, duly called for the purpose of considering such proposed sale by notice given from the pulpit of the said church in Watford during divine service in the forenoon of the two successive Sundays immediately preceding the said meeting, and that the consent of such meeting to the said sale shall be sufficiently testified by the execution of the conveyance of the said lands to the purchaser thereof by the chairman of the said meeting; provided, further, that the sanction of the Presbytery of Sarnia in that behalf shall have been also first obtained before any such sale or disposition be made.

Moneys to  
be held at  
disposal of  
congregation.

2. All moneys to be derived from the sale of the said property shall be held by the trustees for the time being of the Warwick Presbyterian Church in trust for such purposes in connection with the said church as shall be approved of by the said congregation and sanctioned by the said Presbytery.

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## CHAPTER 137

### An Act to amend an Act authorizing the issue of Debentures by St. George's Cathedral Church, Kingston.

*Assented to 30th April, 1900.*

Preamble

WHEREAS by an Act of the Legislative Assembly of the Province of Ontario passed in the sixtieth year of Her Majesty's reign, chaptered 102 and intituled "*An Act to authorize the issuing of debentures by St. George's Cathedral Church, Kingston.*" the Churchwardens of the said Church were authorized to borrow the sum of \$35,000, upon debentures secured by a mortgage of the said Church and the lands connected therewith and in pursuance of the power conferred by said Act debentures were issued to the extent of \$35,000 and a mortgage was given to secure the payment of the same and whereas the said Church was almost entirely destroyed by fire on the first day of January, A.D., 1899, and whereas the loss sustained thereby was not covered by the insurance on the said Church, and whereas in order to rebuild the said Church and pay the debentures issued under the authority of said Act it has become necessary to borrow a sum in excess of said \$35,000; and whereas at a special meeting of the vestry of the said St. George's Cathedral held on the eighteenth day of December, A.D., 1899, it was resolved to apply for an amendment of the said Act so as to authorize the Churchwardens and Rector for the time

time being to borrow a sum not exceeding \$50,000 on mortgage of the said Church and the lands connected therewith instead of the amount mentioned in said Act, and whereas, the said vestry by its petition has prayed that the said power and authority may be given to the churchwardens and rector; and whereas it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. It shall and may be lawful for the Churchwardens of the said Church and their successors as such to execute and issue debentures not exceeding at any one time in the whole the sum of \$50,000 in such sums not less than one hundred dollars each, at such rate of interest and redeemable at such times and places as they may determine, and from time to time to renew the same or issue new debentures in their place or stead.

Issue of debentures for \$50,000 authorized.

2. The said Churchwardens shall and may from time to time with the consent of the holders call in any of the out-standing debentures and liabilities and discharge the same with the funds raised by the issue of debentures authorized to be issued under this Act, or may substitute therefor the said debentures, or any of them, authorized as aforesaid, under this Act, as may be agreed upon between the said Churchwardens and the holders of such outstanding debentures and liabilities, or other the creditors of the said Vestry and Church.

Calling in outstanding debentures.

3. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to the redemption and payment of the said outstanding debentures and other liabilities, and to defray the cost of completing and improving the said Church, and to carry out the instructions of the said Vestry.

Application of proceeds of debentures.

4. The debentures so issued as aforesaid shall without registration or formal conveyance, be taken and considered to be charges upon the said church, and the lands therewith used, and other the property of the said vestry; and the holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon the said church and property.

Debentures to be a charge on the church property.

5. The said Churchwardens and the Rector for the time being of the said Church are hereby authorized with the consent of the said Vestry, to convey the said Church and the lands connected therewith or any part thereof in fee simple to any person or corporation who may advance the full amount of the loan required or otherwise to two trustees or to any Trust Corporation in the Province of Ontario authorized to act as a trustee in the premises in trust to secure the due payment of the said debentures rateably and without preference or priority and by the said mortgage to give all usual and proper

Mortgage to secure debentures.

remedies



remedies to enforce payment of the said debt and the said mortgage may be in the form set forth in schedule "A" to this Act with such modified terms or changes as the circumstances may require and a conveyance executed by the said Rector and Churchwardens shall pass the title to the said lands without any further formality and without the consent or concurrence of the Incorporated Synod of the Diocese of Ontario or any committee thereof or of any other person or body corporate notwithstanding the provisions of any Act of Parliament heretofore passed requiring such consent or concurrence; provided that any mortgage now existing on the said Church and lands shall be preserved in full force and effect until the conditions thereof shall have been fully performed and satisfied.

Interest to be  
a charge on  
church  
revenues.

6. The interest of the said debentures shall be the first charge upon the whole revenue of the said Church, and the Vestry thereof ordinary and extraordinary; and it shall be the duty of the Churchwardens in each year, out of the said revenues to pay the whole interest falling due in each year; and the Vestry of the said Church shall until the said debt shall be fully paid levy annually by way of pew rent a sum sufficient to pay the interest on the outstanding debentures.

Lender not  
bound to see  
to application  
of purchase  
money.

7. No person advancing money on or before the purchase of the debentures authorized by this Act to be issued shall be in any way bound to see to the application of the money so advanced.

Priority of  
present de-  
benture hold-  
ers preserved.

8. Nothing in this Act contained shall prejudice or affect any legal or equitable right of priority which the holders of debentures issued at the time of the passing of this Act may have or possess.

## SCHEDULE A.

(Section 5.)

This indenture made in duplicate the \_\_\_\_\_ day of \_\_\_\_\_ in pursuance of the Act respecting short forms of mortgages, between the Rev. \_\_\_\_\_, Rector and \_\_\_\_\_ churchwardens for the time being of Saint George's church in the city of Kingston, hereinafter called the "mortgagors" of the first part and trustees hereinafter called the "mortgagees" of the second part.

Witnesseth that whereas under and in pursuance of the powers created by an Act of the Legislative Assembly of the Province of Ontario passed in the \_\_\_\_\_ year of Her Majesty's reign, chaptered \_\_\_\_\_ and entitled "*An Act to amend the Act passed in the Sixtieth year of Her Majesty's reign chapter 102 authorizing the issuing of Debentures by St. George's Cathedral Church in the City of Kingston*," the churchwardens of the said church have issued debentures and propose issuing further debentures to the amount of \$50,000 in the whole.

And

And whereas pursuant to the said Act the vestry of the said church has duly authorized the said mortgagors, as the rector and churchwardens of the said church, to convey the said church and the lands connected therewith, being the property hereinafter particularly described, to the said mortgagees as trustees for the holders of the said debentures, and the said mortgagees have consented to accept such conveyance and to act as trustees in the premises.

Therefore in consideration of the premises the said mortgagors do grant and mortgage to the said mortgagees the said lands and premises which are particularly described as follows :

*(Then follows description of property.)*

Provided this mortgage to be void on payment of the said debentures at the maturity thereof and of the interest which shall from time to time fall due thereon and taxes.

It is expressly agreed by and between the parties hereto that this mortgage shall be held for the benefit of all the holders of the said debentures rateably and without preference or priority as between each other.

The said mortgagors covenant with the said mortgagees that they have the right to convey the said lands to the said mortgagees, and that in default the said mortgagees shall have quiet possession of the said lands free from all incumbrances.

And that the mortgagors will execute such further assurances of the said lands as may be requisite.

And that the mortgagors will insure the buildings on the said lands to the full amount to which they can be insured, not exceeding the mortgage debt.

Provided that the mortgagees, in default of payment for six months, may, upon three months' notice, enter upon and lease or sell the said lands.

Provided that the mortgagees may distrain for arrears of interest.

Provided that until default of payment the mortgagors shall have quiet possession of the said lands.

It is understood and agreed between the parties hereto, and the said mortgagees stipulate as a condition of acting as trustees in the premises, that they shall not be obliged or required to take proceedings for the enforcement of the claims of any of the debenture holders except upon the written request of such debenture holder, and not then without full and satisfactory indemnity from said debenture holders against any costs or expenses which may be incurred by them in enforcing this security.

The provision of section 3 of chapter 110 of the Revised Statutes of Ontario, 1887, shall be regarded as incorporated into this conveyance for the purpose of appointing a new trustee, and the right of appointment shall in the first place be exercisable by the rector and churchwardens of the said church for the time being.

Witness the signature of the said rector and churchwardens.

Signed, sealed and delivered }  
in the presence of }

## CHAPTER 138

## An Act relating to St. George's Church, Ottawa.

*Assented to 30th April, 1900.*

preamble.

**W**HEREAS the Reverend Johnston M. Snowdon, rector, and Frederick White and Charles McNab, Esquires, Churchwardens of St. George's Church, in the City of Ottawa, in pursuance of a resolution passed at a meeting of the vestry of the said Church, duly held on Monday evening, the 3rd day of April, 1899, have petitioned for the passing of an Act authorizing them to issue debentures to the amount of \$14,000 to pay off the debt for that amount secured by mortgage upon the lands and buildings hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debentures  
for \$14,000  
authorized.

1. The Rector and Churchwardens of St. George's church, in the City of Ottawa, and their successors in office, are hereby authorized and empowered to execute and issue debentures, in currency or sterling, to an amount not exceeding \$14,000, in such sums not less than \$100 each at such rate of interest, and redeemable at such times and places, as they may determine, and the money to be raised by the issue of the said debentures shall be applied in payment of the debt secured by an indenture of mortgage upon the lands and buildings hereinafter mentioned.

Lands charged  
with payment  
of debentures.

2. The debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be a first charge upon, and each holder of any of the said debentures shall be deemed to be a mortgagee and encumbrancer pro rata with the other holders thereof upon all and singular those certain parcels or tracts of land and premises situate, lying and being in the City of Ottawa, in the County of Carleton, and Province of Ontario, being composed of lots numbers forty-eight and forty-nine on the north side of Gloucester Street in the said City of Ottawa, containing the quantity of land as shewn on a plan drawn by W. R. Thistle, P.L.S., dated Ottawa, July 13th, 1868, and of record in the Department of the Interior (excepting out of the said lot number forty-nine the northerly twenty feet, heretofore agreed to be conveyed to one Catherine Rowe by agreement dated 27th September, 1879, and registered as number 18,051, the

said



said northerly twenty feet of the said lot number forty-nine being butted and bounded as follows:—Commencing at the north-east angle of the said lot number forty-nine, thence southerly along the easterly boundary of said lot twenty feet, thence westerly parallel with the northerly boundary of the said lot sixty-six feet, more or less, to the westerly boundary of the said lot, thence along the westerly boundary of the said lot twenty feet to the northerly boundary of the said lot, thence easterly along the northerly boundary of said lot sixty-six feet, more or less, to the place of beginning,—and upon the church building now standing upon the said lands and upon any policy of insurance effected or to be effected upon the said building.

3. The interest of the said debentures shall be a first charge upon the rents of vestry pews, and it shall be the duty of the Churchwardens in each year, out of the revenues of the Church, to pay the whole interest falling due in any such year, and any premium of insurance necessary to keep and maintain upon the said buildings an insurance against loss or damage by fire, in the sum of at least \$14,000.

Interest a charge on pew rents.

4. The Rector and Churchwardens of the said Church may, in issuing the said debentures, either make a proportionate part of the principal thereof to fall due in each year after the issue, or they may so issue them that the principal thereof shall become due at the end of the term of years for which they are issued. In the former case it shall be the duty of the Churchwardens, out of the revenues of the Church, to pay the debentures falling due in each year; and in the latter case, out of such revenues to lay by and invest safely such sum yearly as may be required to form a sinking fund sufficient to pay off the principal of the said debentures when it becomes due.

Payment of debentures.

5. No person advancing money on the debentures, for the issue of which authority is hereby given, shall be in any way bound to see to the application of the money so advanced.

Lenders not bound to see to application of loan.

## CHAPTER 139

An Act respecting the Amherstburg Library and  
Reading Room Association*Assented to 30 April, 1900*

## Preamble.

WHEREAS the Amherstburg Library and Reading Room Association was incorporated on the first day of May, 1882, in accordance with the statute in that behalf made and provided, with the purpose and object as set forth in the declaration of incorporation, "of establishing and maintaining a public library and reading room at the Town of Amherstburg, for the use and benefit of all persons who shall or may become members thereof pursuant to the by-laws, rules and regulations of the association, and for the purpose of receiving and collecting subscriptions, gifts of money and books, pamphlets and other property that may be subscribed or donated to the said association, and for the purpose of purchasing, erecting or renting a building or buildings for the use of the said association, and for any other purpose connected with the maintaining the said association for the benefit of the members thereof"; and whereas the said association has been maintained in accordance with the said by-laws, rules and regulations from the said first day of May, 1882, to the present time when it is deemed advisable by the members and board of management of the said association that it should be converted into a public library, and be incorporated and maintained in accordance with *The Public Libraries Act*; and whereas by deed of gift in writing, bearing date the said first day of May, 1882, James Boyle, Esquire, M.B., since deceased, did give and grant unto the trustees of the said The Amherstburg Library and Reading Room Association, and their successors in office, all his library of books, and other personal effects more particularly set forth in the schedules to the said deed of gift annexed, "To have and to hold all and singular the said books and other property in the said schedules mentioned, thereby given and granted unto the trustees of the said Amherstburg Library and Reading Room Association and their successors in office, forever, for the use and benefit of the people of the Town of Amherstburg and vicinity, subject to the rules and regulations of the said association and subject to the following stipulations, namely: That in the event of the said association failing in the object and purpose mentioned in the certificate or articles of incorporation thereof; or ceasing to exist as a library and reading room association, then the said books and property shall become my (the said James Boyle's) personal property, and

and in the event of my death shall become the property of my nephew, Thomas Boyle, of the Town of Amherstburg, Barrister at Law, for the use of my heirs," etc., as thereafter mentioned. Afterwards by amendment to the said deed of gift, dated the third day of November, 1882, the said James Boyle confirmed the said gift and directed that in the event of his death and the said association failing in its objects as aforesaid, the said library and other property should revert to the executor named in his last will and testament free and clear from any interference or claim of his said nephew Thomas Boyle; and whereas by his last will and testament bearing date the twenty-first day of November, 1889, the said James Boyle made the following bequest: "I give and bequeath to the Amherstburg Library and Reading Room Association (now incorporated) the sum of five thousand dollars for the use and purpose of the said Association as mentioned in their articles of incorporation and subject to the terms, conditions and trusts in the deed of gift of books and other property made by me to the said association and upon the further trust that the said sum of five thousand dollars is to be permanently invested by the trustees or directors of the said association and the interest thereof to be applied yearly or half yearly to the purposes of the said Association"; and afterwards, by a codicil to his said will bearing date the third day of December, 1890, the said James Boyle made the following provisions with respect to the said bequest: "It is my desire and I hereby nominate and appoint Simon Fraser, of the Town of Amherstburg, in the County of Essex, Gentleman, trustee for the purpose of receiving and investing the sum of five thousand dollars in my said will bequeathed to the Amherstburg Library and Reading Room Association, and for all other purposes in connection therewith as provided by my said will; and I further desire, and in order that my other bequests may be subject to as little delay as possible, require that a certain mortgage dated the 16th day of August, in the year of our Lord one thousand eight hundred and eighty-four, and made in my favour from one William Gibb on the east third part of the east half of lot number forty-six, in the fifth concession of the township of Malden, in the county of Essex, and on the west half of the the east half of lot number three in the sixth concession of the township of Colchester South, in the county of Essex, and on which the principal sum due is three thousand three hundred and twenty-five dollars, shall be taken by the said library and reading room association on account of my said bequest to them, to the extent of the full amount due on the said mortgage for principal and interest at the time of my death; and whereas the said James Boyle died on or about the 26th day of November, 1891, and the said mortgage security and money representing the amount of the said bequest were transferred and paid by his executor to Simon Fraser, Esq., as trustee for the Amherstburg Library and Reading Room Association in accordance with his said will and codicil; and whereas the said mortgage security having depreciated in value, the said Simon Fraser, after the trust came into his hands



hands, took a deed from the mortgagor of the land conveyed thereby in settlement of the said mortgage money and interest, and now holds the said land in trust for the said association; and whereas the said association, by purchase and otherwise, have acquired books and effects to the value of two thousand dollars or thereabouts, in addition to the library and property which they received from the said James Boyle by deed of gift aforesaid;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.** 1. The Amherstburg Library and Reading Room Association is hereby converted into and incorporated as "The Amherstburg Public Library," and shall henceforth be governed by and come under the provisions of *The Public Libraries Act*, in like manner as if the same had been incorporated under the said Act.

**Rev. Stat.  
c. 232.**

**Vesting of  
property**

2. Upon the Amherstburg Public Library Board being duly appointed and constituted in accordance with the provisions of the said Act, the books, property and effects of the Amherstburg Library and Reading Room Association shall be transferred to and vest in the said The Amherstburg Public Library Board.

**Authority to  
receive gifts.**

3. The Amherstburg Public Library Board is authorized to receive any gifts, legacies or bequests of books, money, real estate or other securities and the same or the proceeds thereof to apply or invest to and for the use of The Amherstburg Public Library.

**Bequest of  
late James  
Boyle.**

4. The Amherstburg Public Library Board is hereby authorized to receive the bequest of the late James Boyle, M.D., to the Amherstburg Library and Reading Room Association aforesaid, and upon the Amherstburg Public Library Board being appointed and constituted as hereinbefore provided, the said bequest may be transferred from the said Simon Fraser to and vested in the said The Amherstburg Public Library Board to and for the use of the Amherstburg Public Library upon the same trusts and conditions as the said bequest has been heretofore held for the Amherstburg Library and Reading Room Association.

**Power to  
sell real estate**

5. If the said Simon Fraser during his lifetime transfers the said bequest to the said the Amherstburg Public Library Board, or should the said bequest be paid to and become vested in the said The Amherstburg Public Library Board upon the death of the said Simon Fraser as hereinafter mentioned, the said The Amherstburg Public Library Board is hereby authorized to lease, sell and absolutely dispose of such part of the said bequest as consists of real estate, as well as any other real estate

estate which the said Board may legally acquire, and to assure the same unto the lessee or lessees, purchaser or purchasers thereof, in a good and sufficient manner.

6. In case the trust property shall not be so transferred by the said Simon Fraser in his lifetime, then immediately upon the death of the said Simon Fraser all the monies and other property, real and personal, so held in trust by him under the said bequest shall be paid to and be vested in the said the Amherstburg Public Library Board to be held by the said Board subject to the provisions of this Act upon the trusts and for the purposes set out in the said recited will. Transfer of proceeds of bequest.

## CHAPTER 140

### An Act to incorporate The Ottawa Young Men's Christian Association.

*Assented to 30th April, 1900.*

**W**HEREAS an association under the name of The Ottawa Preamble.  
Young Men's Christian Association has existed for several years in the City of Ottawa, having for its object the improvement of the spiritual, intellectual and social condition of young men, and the promotion of Christian work in that city, and is governed by a constitution and by-laws which have received the assent of the members of the said association; and whereas the members of the said association have by petition prayed to be incorporated; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. F. A. Coffin, R. G. Knox, H. E. Hume, R. A. Sproule, James A. Smart, James S. Eagleson, A. W. Ault, Robert Stewart, R. W. Greene, D.S.; T. R. Burpee, E. Hunt, W. H. Eagleson, J. E. Hanna, M.D.; W. A. Code, James Gibson, T. E. Chisnall, A. H. Jarvis, S. L. T. Frost, F. C. Gilbert, W. S. Odell and George Dearing, and such other persons as now are or hereafter shall become members of the said association, shall be and they are hereby constituted a body politic and corporate, under the name of The Ottawa Young Men's Christian Association, and shall Incorporation.

Authority to  
acquire real  
estate.

shall have power to acquire and hold real estate in the said City of Ottawa, provided the annual value of real estate so held and not actually used for the work of the said association shall not exceed at any one time ten thousand dollars, and the same or any part thereof to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require; and may also acquire any other real estate or interest therein (so long as the annual value of the same shall not at any one time exceed five thousand dollars), by gift, devise or bequest, if made at least six months before the death of the party making the same; and may hold such estate or interest therein for a period of not more than seven years, and may within that time alienate or dispose of the same, and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities for the use of the said corporation; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives.

Personal  
property  
vested in cor-  
poration.

2. The personal property of the said association shall become the property of and is hereby vested in the said corporation.

Object of cor-  
poration.

3. The object of the said corporation shall be the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasiums, and such other means as may from time to time be determined upon.

Constitution  
and by-laws.

4. The constitution and by-laws by which the said association is now governed shall be the constitution and by-laws of the said corporation, but they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Board of  
directors.

5. The officers and members of the board of directors of the association at the time of the passing of this Act shall be the officers and members of the board of directors of the said corporation, and shall retain their respective offices and positions until others shall be elected in their place.

Annual  
return.

6. The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it with such details and other information as the Lieutenant-Governor may require.

Disposition  
of funds.

7. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in business of trading in real estate.



8. The real estate of the said corporation shall become the property of and is hereby vested in the said corporation, subject to existing encumbrances thereon, and shall be managed and controlled by the board of directors, who shall be elected in accordance with the constitution and by-laws of the corporation, and the real estate shall not, nor shall any part thereof, be liable for any future debts or obligations, unless the debt or obligation shall have been contracted with the consent of the board of directors, expressed by resolution duly passed and recorded.

Real estate to  
vest in cor-  
poration.

9. The corporation may by by-law increase or decrease the number of its directors and provide as to their qualification, mode of election, and the time for which they shall hold office.

Number of  
directors.

10. The said corporation shall have power to establish a system of technical education, including such branches of mechanical science and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine.

Technical  
education.

11. The buildings of the Young Men's Christian Association of the City of Ottawa and the land whereon the same are erected shall, so long as the same are occupied by and used for the purposes of the association, be and the same are hereby declared to be exempt from taxation.

Exemption  
from taxation.

## CHAPTER 141

### An Act respecting the Estate of the late Charlotte Elmsley.

*Assented to 30th April, 1900.*

WHEREAS Charlotte Elmsley, late of the City of Toronto, in the County of York, Widow, deceased, did by her last will and testament, dated the 25th day of September, 1883, devise and bequeath to her son, Remigius Elmsley of the City of Toronto, in the County of York, Esquire, her real and personal estate upon the trusts therein set forth; and whereas letters probate of the will of the said late Charlotte Elmsley were duly issued on the 19th day of October, 1883, from the Surrogate Court of the County of York to the said Remigius Elmsley as sole executor and trustee of the said estate; and whereas the said estate consists largely of real estate in

Preamble.

the said City of Toronto, a large proportion of which was and still is vacant land ; and whereas the trusts of the will of the said late Charlotte Elmsley have not yet and will not be completely administered for many years to come ; and whereas the will of the said late Charlotte Elmsley confers upon the executor therein named power to sell the real estate of the deceased, but does not contain any power to the said executor to lease or mortgage the lands of the said estate ; and whereas the said Remigius Elmsley has found it impossible to sell and dispose of all the said lands advantageously to the estate and the maintenance thereof in their present unproductive state, and the expense imposed upon the estate by the necessity for the payment of taxes and other rates imposed upon the said vacant lands is disadvantageous and injurious to the best interests of the beneficiaries entitled eventually to the said estate ; and whereas the personal estate of the said testatrix come to the hands of the said executor is insufficient for the purpose of properly improving and making productive all the real estate of the said estate, and it has been deemed advisable for the purpose of enabling the said Remigius Elmsley so to do, to confer on him power to borrow such sum or sums of money as he may deem necessary for the purpose of improving and making profitable the lands belonging to the said estate, and also with power to make any lease or leases of any lands belonging to the said estate which he may deem advantageous ; and whereas the estate is still possessed of a number of parcels of vacant land and it is deemed more expedient and less expensive to grant the powers petitioned for by means of an Act of this Legislature thereby avoiding the delay and expense of special applications in respect of each parcel ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to borrow for purpose of making improvements.

1. Power is hereby conferred upon the said Remigius Elmsley, or such other person as may for the time being be executor or trustee of the estate of the said Charlotte Elmsley, deceased, to borrow for the benefit of the said estate any sum or sums of money which the said Remigius Elmsley or his successors as aforesaid shall from time to time desire for the purpose of improving the landed property belonging to the said estate, whether the said landed property be at present vacant or, from deterioration or any other cause, becomes vacant, or for any other reason requires the expenditure of money upon any of the said lands for the purpose of making the same productive to the said estate.

Power to mortgage.

2. For the purpose aforesaid, power is hereby conferred upon the said Remigius Elmsley and his successors as aforesaid to pledge or mortgage all or any of the real estate of the said late Charlotte

Charlotte Elmsley for the purpose of securing the repayment of such sum or sums of money as the said Remigius Elmsley or his successors as aforesaid shall deem it advisable to borrow for the purposes aforesaid. It being, however, hereby expressly declared that the person or persons so lending to the said Remigius Elmsley or his successors as aforesaid such sum or sums of money as he or they may from time to time deem it advisable to borrow, and to secure by the giving of a mortgage or mortgages as aforesaid, shall not be responsible to see to the application of any sum or sums of money so advanced by him or them upon the security of the said mortgage or mortgages, nor shall such lenders or mortgagees be bound to enquire whether the powers conferred by this Act have been duly and correctly exercised by the said Remigius Elmsley or his successors acting thereunder.

Lender need  
not see to ap-  
plication of  
loan.

3. Power is further conferred on the said Remigius Elmsley and his successors as aforesaid to make such lease or leases of the real estate of the said late Charlotte Elmsley for such terms and at such rents and upon such conditions as he may deem advisable. No lease, however, to be for a term longer than twenty-one years, with a right of renewal, with power to the said Remigius Elmsley and his successors as aforesaid to do all such matters and things and to institute all such actions as may be necessary for the collection of the rents of the real estate of the said late Charlotte Elmsley, and the enforcement of all the provisos and conditions contained in any lease or leases thereof which he shall make.

Power to  
lease.



## CHAPTER 142

## An Act to enable Cyrus Davis Pinel to Practise Dentistry.

*Assented to 30th April, 1900.*

## Preamble.

**W**HEREAS Cyrus Davis Pinel, of the Town of Bowmanville, in the County of Durham, and Province of Ontario, has by his petition set forth that he has been engaged in the practice of dentistry with a number of regular practising licentiate dentists in the Province of Ontario since the month of July, 1881, and that since the 18th day of September, 1890, has been in the employ of a regular licentiate of the College of Dental Surgeons for Ontario, and has become perfectly familiar with the work to be done by a regular dentist and has done such work, and is now qualified to do all work to be done by a regular licentiate dentist; that at the time when he should have passed the examinations of the Dental College of Surgeons he was in very delicate health and was prohibited from further prosecuting his studies by his medical adviser, and has prayed that an Act may be passed to authorize him to practise dentistry; and whereas the circumstances of the case appear to be exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

C. D. Pinel  
authorized to  
practise dental  
surgery.

1. It shall be lawful for Cyrus Davis Pinel to practise as a licentiate of Dental Surgery after passing the Junior Matriculation Examination of the Western University of London, Ontario, and the final examination of the Royal College of Dental Surgery of Ontario, and paying the necessary fees in that behalf, any law, statute or usage to the contrary notwithstanding.

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